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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                   AMAZON.COM, INC., a Delaware  
11                   corporation,

12                   Plaintiff,

13                   v.

14                   KELLY FITZPATRICK, an individual;  
15                   SABRINA KELLY-KREJCI, an individual;  
16                   KANG WANG, an unknown entity, d/b/a  
17                   SEVENSTAR;  
18                   PUTIAN WEISEN TRADING CO., LTD, an  
19                   unknown entity, d/b/a LWENSTORE; JOSE A.  
20                   PAGAN, an individual, d/b/a GAM SPORTS;  
21                   YAN RUIQUN, an individual, d/b/a  
22                   KALOSUHA; JESSE A. FASNACHT, an  
23                   individual, d/b/a BRADYYER; BRADY  
24                   MICHAEL ABBOTT, an individual;  
25                   ZHUXIUBING, an unknown entity, d/b/a  
26                   GOGO TRENDY; CHENMAOQING, an  
27                   unknown entity, d/b/a MYERH STORE;  
                 QUANFUWOWANGLUOKEJI (SHENZHEN)  
                 YOUXIANGONGSI, an unknown entity, d/b/a  
                 KEABIE; JINJIANGSHI OUSAIER TRADE  
                 CO., LTD, an unknown entity, d/b/a WINJOY  
                 MALL;  
                 JINANSHTIANQIAOQUNATAISHANGMA  
                 OYOUXIANGONGSI, an unknown entity,  
                 d/b/a BIIKII;  
                 HANDANSHIHANSHANQUZUOCHANGM  
                 AOYIYOUXIANGONGSI, an unknown entity,  
                 d/b/a GBEEGBEE,

Defendants.

No.

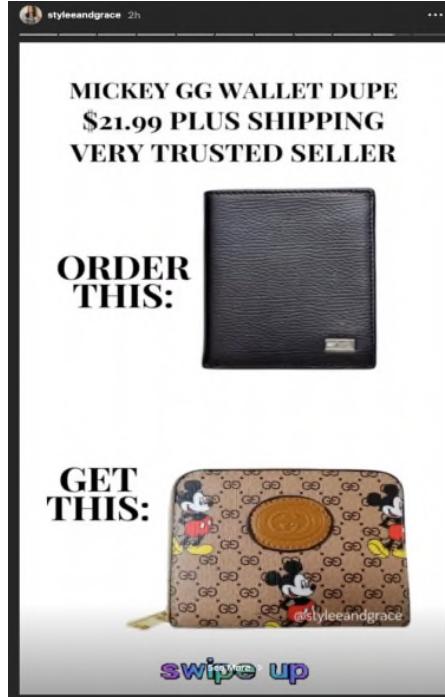
**COMPLAINT FOR DAMAGES  
AND EQUITABLE RELIEF**

1                   **I. INTRODUCTION**

2                 1. This case involves the Defendants' unlawful and expressly prohibited  
 3 advertisement, promotion, and/or sale of counterfeit luxury products on Amazon.com. Amazon  
 4 brings this lawsuit to permanently prevent and enjoin Defendants Kelly Fitzpatrick  
 5 ("Fitzpatrick"), Sabrina Kelly-Krejci ("Kelly-Krejci") and the Seller Defendants identified  
 6 below (collectively, "Defendants"), from causing future harm to Amazon's customers and to  
 7 hold Defendants accountable for their illegal actions. As set forth in detail below, this case  
 8 revolves around a pair of individuals, Defendants Kelly Fitzpatrick and Sabrina Kelly-Krejci,  
 9 who engage in social influencer activities on various websites and apps for the admitted  
 10 purpose of promoting, advertising, and facilitating the sale of counterfeit luxury fashion goods  
 11 by the Seller Defendants. Together, they engage in a sophisticated campaign of false  
 12 advertising for the purpose of evading Amazon's counterfeit detection tools.

13                 2. For example, Fitzpatrick and Kelly-Krejci publish videos, photographs, and  
 14 detailed descriptions of clearly infringing products on their social media and other websites and  
 15 apps, and link to offer listing pages in the Amazon store. Fitzpatrick and Kelly-Krejci refer to  
 16 the products they promote as "dutes," a fashion industry term that connotes items that may  
 17 have similarities to a designer item but that do not copy logos or trademarked features.  
 18 However, that is not what Fitzpatrick and Kelly-Krejci are advertising to their followers: these  
 19 so-called "dutes" are obviously *counterfeit* goods that blatantly copy the registered trademarks  
 20 of luxury brands.

21                 3. Often, the Amazon pages display only a generic, seemingly non-infringing  
 22 product; the counterfeit nature of the product is revealed only to those who order and receive  
 23 the product. As Fitzpatrick routinely instructs her followers in social media posts: "Order  
 24 this/Get this!" as depicted in the below July 15, 2020 post from Fitzpatrick's @Styleeandgrace  
 25 Instagram account:



As Fitzpatrick explains to her followers, a “hidden link” means “[y]ou order a certain product that looks nothing like the designer dupe in order to hide the item from getting taken down [by Amazon] and orders being cancelled”:<sup>1</sup>

## What is a Hidden Link?

This saddle bag is from our hidden links on ama\*zon? What does that mean? You order a certain product that looks nothing like the designer dupe in order to hide the item from getting taken down and orders being cancelled. Do you know what ama\*zon does? They let the links sell out making sure to make their money and then shut down the links and take the money from the sellers. This had led to significantly LESS links on the platform. When I started last year there were hundreds a day, we are really only left with links that last a day to protect them and our orders and money we spent on those orders. Many of us have a friendship with the sellers and get this trusted information directly from them. To know what they look like definitely check out as many reviews as you can! They are super helpful because items can look SO different than the product photos (this goes for all dup\*es)

In other words, order a seemingly non-infringing item in order to get a counterfeit fashion product – the very essence of false advertising, as the product Defendants are advertising on Amazon is simply a false placeholder designed to evade Amazon’s counterfeit detection

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<sup>1</sup> <https://www.styleeandgrace.com/video-review-dior-saddle-bag-amazon-hidden-link-find/>

1 systems. Once the orders are placed, the Seller Defendants and other bad actors then ship  
 2 counterfeit products to customers. Contrary to Fitzpatrick's assertion, however, Amazon does  
 3 not "let the links sell out"; rather, Amazon blocks the product as soon as it becomes aware of  
 4 the true infringing nature. But Fitzpatrick and Kelly-Krejci are persistent in their promotion of  
 5 counterfeit items. When Instagram and other websites and apps have removed their social  
 6 media accounts, Fitzpatrick and Kelly-Krejci have simply created new accounts to continue  
 7 their illicit activities.

8       4. For all their deceptive advertising, Fitzpatrick and Kelly-Krejci make no efforts to  
 9 conceal their true motive behind this scheme: Hiding the counterfeits from Amazon, which  
 10 employs sophisticated brand protections to prevent infringing items from ever being advertised  
 11 in the Amazon store. Indeed, after Amazon became aware of Fitzpatrick's "Order this, get  
 12 this" scheme and shut down the offending order pages, Fitzpatrick lamented to her followers,  
 13 "Amazon has rarely has [sic] any dupes lately and that's because they've cracked down so  
 14 hard."<sup>2</sup> As a result of Amazon having "cracked down so hard" on "dupes," Fitzpatrick began  
 15 directing her followers to other e-commerce websites: "I know it's a big change to switch from  
 16 Amazon to [a different website] ***but this [switch] guarantees that the links do not get reported***  
 17 ***and shut down....***" (Emphasis added.)<sup>3</sup> Similarly, Kelly-Krejci has directed her followers to  
 18 use "hidden links" to order counterfeit products, emphasizing that she "know[s] some people  
 19 feel weird ordering from hidden links but in this case you will get something fabulous."<sup>4</sup> A  
 20 "hidden link" is one where the offer listing page shows a generic, non-infringing item but the  
 21 product that is actually delivered is different from what is shown.

## 22           II. BACKGROUND

23       5. The Amazon store offers products and services to customers in more than 100  
 24 countries around the globe. Some of the products are sold directly by Amazon, while others are

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25       2 <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

26       3 <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

27       4 <https://budgetstylefiles.com/review-cc-wristlet-ama-z0n/>

1 sold by Amazon's numerous selling partners. The Amazon brand is one of the most well-  
2 recognized, valuable, and trusted brands in the world. In order to protect customers and  
3 safeguard its reputation for trustworthiness, Amazon invests heavily in both time and resources  
4 to prevent counterfeit goods from being sold in its store.

5        6. From in or about November 2019 through the filing of the Complaint, Defendants  
6 have advertised, marketed, offered, and/or sold counterfeit luxury products to deceive Amazon  
7 and customers about the authenticity and origin of the products and the products' affiliation  
8 with various luxury brands.

9       7. As a result of their illegal actions, Defendants have willfully deceived and harmed  
10 Amazon and its customers, compromised the integrity of the Amazon store, and undermined  
11 the trust that customers place in Amazon. Defendants' illegal actions have caused Amazon to  
12 expend significant resources to investigate and combat Defendants' wrongdoing and to bring  
13 this lawsuit to prevent Defendants from inflicting future harm to Amazon and its customers.

### III. PARTIES

15        8.     Amazon.com, Inc. is a Delaware corporation with its principal place of business in  
16 Seattle, Washington. Through its subsidiaries, Amazon.com, Inc. owns and operates the  
17 Amazon.com website, counterpart international websites, and the Amazon store (collectively,  
18 "Amazon").

19        9. Defendants are a collection of individuals and entities who conspired and operated  
20 in concert with each other to engage in the counterfeiting scheme alleged in this Complaint. In  
21 some cases, the Seller Defendants took intentional and affirmative steps to attempt to hide their  
22 true identities and whereabouts from Amazon by using fake names and contact information,  
23 and unregistered businesses to conduct their activities. Defendants are liable for their wrongful  
24 conduct both directly and under principles of secondary liability, including, without limitation,  
25 respondeat superior and/or vicarious liability.

26        10. On information and belief, Defendant Kelly Fitzpatrick is an individual who  
27 resides in Islip Terrace, New York who personally participated in and/or had the right and

1 ability to supervise, direct, and control the wrongful conduct alleged in this Complaint, and  
2 derived a direct financial benefit from that wrongful conduct.

3       11. On information and belief, Defendant Sabrina Kelly-Krejci is an individual who  
4 resides in Beloit, Wisconsin who personally participated in and/or had the right and ability to  
5 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
6 direct financial benefit from that wrongful conduct.

7       12. On information and belief, Defendant Kang Wang d/b/a Sevenstar is an individual  
8 who resides in China who personally participated in and/or had the right and ability to  
9 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
10 direct financial benefit from that wrongful conduct.

11       13. On information and belief, Defendant Putian Weisen Trading Co., Ltd d/b/a  
12 Lwenstore is a business based in China that participated in and/or had the right and ability to  
13 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
14 direct financial benefit from that wrongful conduct.

15       14. On information and belief, Defendant Jose A. Pagan d/b/a Gam Sports is an  
16 individual who resides in Kissimmee, Florida who personally participated in and/or had the  
17 right and ability to supervise, direct, and control the wrongful conduct alleged in this  
18 Complaint, and derived a direct financial benefit from that wrongful conduct.

19       15. On information and belief, Defendant Yang Ruiqun d/b/a Kaloshua is an individual  
20 who resides in China who personally participated in and/or had the right and ability to  
21 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
22 direct financial benefit from that wrongful conduct.

23       16. On information and belief, Jesse A. Fasnacht d/b/a Bradyyer is an individual who  
24 resides in Norristown, Pennsylvania who personally participated in and/or had the right and  
25 ability to supervise, direct, and control the wrongful conduct alleged in this Complaint, and  
26 derived a direct financial benefit from that wrongful conduct.

27       17. On information and belief, Brady Michael Abbott is an individual who resides in

1 Norristown, Pennsylvania who personally participated in and/or had the right and ability to  
2 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
3 direct financial benefit from that wrongful conduct.

4       18. On information and belief, Defendant Zhuxiubing d/b/a Gogo Trendy is a business  
5 based in China that participated in and/or had the right and ability to supervise, direct, and  
6 control the wrongful conduct alleged in this Complaint, and derived a direct financial benefit  
7 from that wrongful conduct.

8       19. On information and belief, Defendant Chenmaoqing d/b/a Myerh Store is a  
9 business based in China that participated in and/or had the right and ability to supervise, direct,  
10 and control the wrongful conduct alleged in this Complaint, and derived a direct financial  
11 benefit from that wrongful conduct.

12       20. On information and belief, Defendant Quanfuwowangluokeji (Shenzhen)  
13 youxiangongsi d/b/a Keabie is a business based in China that participated in and/or had the  
14 right and ability to supervise, direct, and control the wrongful conduct alleged in this  
15 Complaint, and derived a direct financial benefit from that wrongful conduct.

16       21. On information and belief, Defendant Jinjiangshi Ousaier Trade Co., Ltd d/b/a  
17 Winjoy Mall is a business based in China that participated in and/or had the right and ability to  
18 supervise, direct, and control the wrongful conduct alleged in this Complaint, and derived a  
19 direct financial benefit from that wrongful conduct.

20       22. On information and belief, Defendant  
21 jinanshitianqiaoqunataishangmaoyouxiangongsi d/b/a BIJKII is a business based in China that  
22 participated in and/or had the right and ability to supervise, direct, and control the wrongful  
23 conduct alleged in this Complaint, and derived a direct financial benefit from that wrongful  
24 conduct.

25       23. On information and belief, Defendant  
26 handanshihanshanquzuochangmaoyiyouxiangongsi d/b/a GbeeGbee is a business based in  
27 China that participated in and/or had the right and ability to supervise, direct, and control the

1 wrongful conduct alleged in this Complaint, and derived a direct financial benefit from that  
2 wrongful conduct.

3 **IV. JURISDICTION AND VENUE**

4 24. The Court has subject matter jurisdiction over Amazon's Lanham Act claims for  
5 false designation and false advertising and for contributory false designation and false  
6 advertising, pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a). The Court also  
7 has subject matter jurisdiction over Amazon's claim for violation of the Washington Consumer  
8 Protection Act, pursuant to 28 U.S.C. §§ 1332 and 1367.

9 25. The Court has personal jurisdiction over all Defendants because they transacted  
10 business and committed tortious acts within and directed to the State of Washington, and  
11 Amazon's claims arise from those activities. Defendants affirmatively undertook to do  
12 business with Amazon, a corporation with its principal place of business in Washington, by  
13 promoting, advertising or selling counterfeit products in the Amazon store. Defendants  
14 advertised and/or shipped products bearing counterfeit products to consumers in Washington.  
15 Each of the Defendants committed, or facilitated the commission of, tortious acts in  
16 Washington and has wrongfully caused Amazon substantial injury in Washington.

17 26. In addition, the Seller Defendants have consented to the jurisdiction of this  
18 Court by agreeing to the Amazon Services Business Solutions Agreement ("BSA"), which  
19 provides that the "Governing Courts" for claims to enjoin infringement or misuse of intellectual  
20 property rights are state or federal courts located in King County, Washington.

21 27. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a  
22 substantial part of the events giving rise to the claims occurred in the Western District of  
23 Washington.

24 28. Pursuant to Local Civil Rule 3(d), intra-district assignment to the Seattle  
25 Division is proper because the claims arose in this Division, where (a) Amazon resides,  
26 (b) injuries giving rise to suit occurred, and (c) Defendants directed their unlawful conduct.

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2           **V. FACTS**  
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5           **A. Amazon's Efforts to Prevent the Sale of Counterfeit Goods**  
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29. Amazon works hard to build and protect the reputation of its store as a place where customers can conveniently select from a wide array of authentic goods and services at competitive prices. Amazon invests a vast amount of resources to ensure that when customers make purchases through the Amazon store—either directly from Amazon or from one of its millions of third-party sellers—customers receive authentic products made by the true manufacturer of those products.

30. A small number of bad actors seeks to take advantage of the trust customers place in Amazon by attempting to create Amazon Selling Accounts to advertise, market, offer, and sell counterfeit products. These bad actors seek to misuse and infringe the trademarks and other IP of the true manufacturers of those products to deceive Amazon and its customers. This unlawful and expressly prohibited conduct undermines the trust that customers, sellers, and manufacturers place in Amazon, and tarnishes Amazon's brand and reputation, thereby causing irreparable harm to Amazon.

31. Amazon prohibits the sale of inauthentic and fraudulent products and is constantly innovating on behalf of customers and working with brands, manufacturers, rights owners, and others to improve the detection of counterfeit products and prevention of counterfeit products ever being offered to customers through the Amazon store. Amazon employs dedicated teams of software engineers, research scientists, program managers, and investigators to prevent counterfeits from being offered in the Amazon store. Amazon's systems automatically and continuously scan thousands of data points to detect and remove counterfeits from its store and to terminate the Selling Accounts of bad actors before they can offer counterfeit products. Each week Amazon monitors more than 45 million pieces of feedback it receives from customers, rights owners, regulators, and selling partners. When Amazon identifies issues based on this feedback, it takes action to address them. Amazon also uses this intelligence to improve its proactive prevention controls.

1       32. In 2017, Amazon launched the Amazon Brand Registry, a free service to any  
 2 rights owner with a government-registered trademark, regardless of the brand's relationship  
 3 with Amazon. Brand Registry delivers automated brand protections that use machine learning  
 4 to predict infringement and proactively protect brands' IP. Brand Registry also provides a  
 5 powerful Report a Violation Tool that allows brands to search for and accurately report  
 6 potentially infringing products using state-of-the-art image search technology. More than  
 7 350,000 brands are enrolled in Brand Registry, and those brands are finding and reporting 99%  
 8 fewer suspected infringements since joining Brand Registry.

9       33. In 2018, Amazon launched Transparency, a product serialization service that  
 10 effectively eliminates counterfeits for enrolled products. Brands enrolled in Transparency can  
 11 apply a unique 2D code to every unit they manufacture, which allows Amazon, other retailers,  
 12 law enforcement, and customers to determine the authenticity of any Transparency-enabled  
 13 product, regardless of where the product was purchased. Since Transparency's launch in 2018,  
 14 over 10,000 brands have enrolled, protecting brands and customers from counterfeits being sold  
 15 in the Amazon store.

16       34. In 2019, Amazon launched Amazon Project Zero, a program to empower brands  
 17 to help Amazon drive counterfeits to zero. Amazon Project Zero introduced a novel self-  
 18 service counterfeit removal tool that enables brands to remove counterfeit listings directly from  
 19 the Amazon store. This enables brands to take down counterfeit product offerings on their own  
 20 within minutes. Since the program launched in 2019, over 10,000 brands have enrolled.

21       35. In addition to these measures, Amazon actively cooperates with rights owners  
 22 and law enforcement to identify and prosecute bad actors suspected of engaging in illegal  
 23 activity. Lawsuits, like this one, are integral components of Amazon's efforts to combat  
 24 counterfeits.

1           **B. Seller Defendants Created Amazon Selling Accounts and Agreed Not to Sell  
2 Counterfeit Goods**

3         36. The Seller Defendants controlled and operated the Amazon Selling Accounts  
4 detailed in section D & H below through which they sought to advertise, market, sell, and  
5 distribute counterfeit products. In connection with these Selling Accounts, the Seller  
6 Defendants provided names, email addresses, and banking information for each account.

7         37. To become a selling partner in the Amazon store, sellers are required to agree to  
8 the Amazon Business Solutions Agreement (BSA), which governs the applicant's access to and  
9 use of Amazon's services and states Amazon's rules for selling through the website. By  
10 entering into the BSA, each seller represents and warrants that it "will comply with all  
11 applicable laws in [the] performance of [its] obligations and exercise of [its] rights" under the  
12 BSA. A true and correct copy of the applicable version of the BSA, namely, the version when  
Seller Defendants last used Amazon's Services, is attached as **Exhibit A**.

13         38. The BSA incorporates and sellers therefore agree to be bound by Amazon's  
14 Anti-Counterfeiting Policy, the applicable version of which is attached as **Exhibit B**. The Anti-  
15 Counterfeiting Policy expressly prohibits the sale of counterfeit goods in the Amazon store:

- 16           • The sale of counterfeit products is strictly prohibited.
- 17           • You may not sell any products that are not legal for sale, such as products  
18           that have been illegally replicated, reproduced, or manufactured[.]
- 19           • You must provide records about the authenticity of your products if Amazon  
requests that documentation[.]

20         Failure to abide by this policy may result in loss of selling privileges, funds  
21 being withheld, destruction of inventory in our fulfilment centers, and other  
legal consequences.

22         39. Amazon's Anti-Counterfeiting Policy further describes Amazon's commitment  
23 to preventing the sale and distribution of counterfeit goods in the Amazon store together with  
24 the consequences of doing so:

- 25           • Sell Only Authentic and Legal Products. It is your  
26           responsibility to source, sell, and fulfill only authentic  
27           products that are legal for sale. Examples of prohibited  
products include:

- 1                   ○ Bootlegs, fakes, or pirated copies of products or content
- 2                   ○ Products that have been illegally replicated, reproduced,  
or manufactured
- 3                   ○ Products that infringe another party's intellectual property  
rights
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- 5                   ● Maintain and Provide Inventory Records. Amazon may  
request that you provide documentation (such as invoices)  
showing the authenticity of your products or your  
authorization to list them for sale. You may remove pricing  
information from these documents, but providing documents  
that have been edited in any other way or that are misleading  
is a violation of this policy and will lead to enforcement  
against your account.
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inauthentic products, we may immediately suspend or  
terminate your Amazon selling account (and any related  
accounts), destroy any inauthentic products in our fulfillment  
centers at your expense, and/or withhold payments to you.
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- 13                  ● Amazon Takes Action to Protect Customers and Rights  
Owners. Amazon also works with manufacturers, rights  
holders, content owners, vendors, and sellers to improve the  
ways we detect and prevent inauthentic products from  
reaching our customers. As a result of our detection and  
enforcement activities, Amazon may:
- 14
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- 17                   ○ Remove suspect listings.
- 18
- 19                   ○ Take legal action against parties who knowingly violate  
this policy and harm our customers. In addition to  
criminal fines and imprisonment, sellers and suppliers of  
inauthentic products may face civil penalties including the  
loss of any amounts received from the sale of inauthentic  
products, the damage or harm sustained by the rights  
holders, statutory and other damages, and attorney's fees.
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- 23                  ● Reporting Inauthentic Products. We stand behind the products  
sold on our site with our A-to-z Guarantee, and we encourage  
rights owners who have product authenticity concerns to  
notify us. We will promptly investigate and take all  
appropriate actions to protect customers, sellers, and rights  
holders. You may view counterfeit complaints on the  
Account Health page in Seller Central.
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1           40. When they registered as sellers in the Amazon store, and established their  
 2 Selling Accounts, Seller Defendants agreed not to advertise, market, offer, sell, or distribute  
 3 counterfeit products.

4           **C. Defendant Kelly Fitzpatrick Advertised, Promoted, and Facilitated Sales of  
 5 Sellers' Counterfeit Products.**

6           41. Fitzpatrick is very active on social media and attempts to monetize her presence  
 7 by promoting counterfeit products. Fitzpatrick's social media accounts are entitled  
 8 "Styleeandgrace" or other iterations or variations on that name, such as "Gracefullystylish."  
 9 Fitzpatrick uses an array of social media websites and apps to advertise counterfeit products,  
 10 including Instagram, TikTok, Facebook, Twitter, and the website liketoknow.it. She also  
 11 created her own website, Styleeandgrace.com, to promote counterfeit luxury products. On  
 12 these websites, Fitzpatrick posts photos and videos of counterfeit products, highlighting their  
 13 false designation of origin – indeed, in one video promoting a counterfeit Gucci belt, she  
 14 celebrated a false "Made in Italy" designation of origin.<sup>5</sup> For products sold on Amazon,  
 15 Fitzpatrick then provides a link to an Amazon store order page where the counterfeit product  
 16 can be ordered (although the product is often disguised on the order page as a non-infringing  
 17 product).

18           42. Amazon's Associate Program works with legitimate social media influencers  
 19 such as content creators, publishers, and bloggers and helps them monetize their traffic by  
 20 earning fees for sharing Amazon products with their followers. Amazon Associates are  
 21 prohibited from advertising or promoting products that violate the intellectual property rights of  
 22 others.

23           43. On November 23, 2019, Fitzpatrick joined the Amazon Associates program with  
 24 the username Kellyfitzpa02-20.

25           44. On March 6, 2020, Amazon warned Fitzpatrick that she had been advertising  
 26 counterfeit products in violation of the Amazon Associates program.

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27           <sup>5</sup> <https://www.styleeandgrace.com/video-review-gg-large-pearl-belt-amazon-finds/>

1       45. On March 7, 2020, after receiving additional evidence of Fitzpatrick's  
 2 promotion of counterfeit products, Amazon closed Fitzpatrick's Kellyfitzpa02-20 Associate  
 3 account.

4       46. Upon information and belief, in April and May 2020, Fitzpatrick attempted to  
 5 open at least two other Associate accounts, kellyfitz-20 and budgetstylefi-20, and worked with  
 6 Kelly-Krejci to open at least one of those accounts.

7       47. Amazon closed these two Associate accounts based on their relationship with  
 8 Fitzpatrick.

9       48. Even after Fitzpatrick was blocked from participating in the Amazon Associates  
 10 program, she continued to use her social media websites and apps to advertise counterfeit  
 11 products in the Amazon store. On information and belief, Fitzpatrick was paid directly by  
 12 Seller Defendants for her promotions.

13       49. For example, from April through at least July 2020, Fitzpatrick used her  
 14 Instagram @Styleeandgrace to advertise counterfeit products sold on Amazon.com.

15       50. As shown in the test purchases below, Fitzpatrick deceived Amazon and its  
 16 customers by working with Seller Defendants to remove indicia of infringement from the  
 17 Amazon offer listing page in order to evade Amazon's fraud and counterfeit detection tools.  
 18 Because the offer listing pages displayed general, non-infringing products without any brand or  
 19 trademark identification, only Fitzpatrick's followers knew that the products for sale were  
 20 counterfeits based upon Fitzpatrick's explicit instruction and links. Any customers who wanted  
 21 to order the non-infringing item that was listed in Amazon's store, such as the plain black belt  
 22 and wallet described below, would have received a different product from what they were  
 23 expecting.

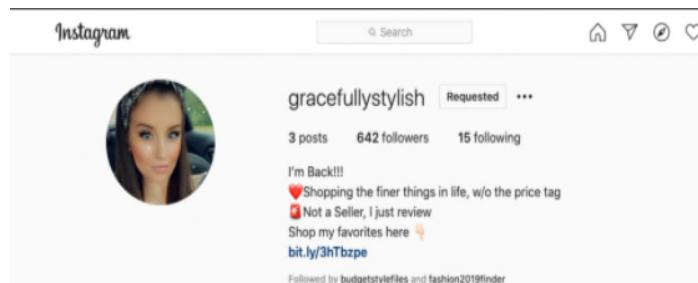
24       51. On July 27, 2020, Fitzpatrick admitted on her Instagram page that she  
 25 communicates directly with the Amazon sellers she promotes, in the context of describing her  
 26 relationship with a non-Amazon seller: "Please know that I am not in contact with these sellers  
 27

1 and cannot help you with returns ***like I do with the sellers on amazon and Instagram.***  
 2 (Emphasis added.)

3 Please be aware that DH GATE  
 4 purchases require A LOT of patience.  
 5 Some items arrive as soon as 3 weeks  
 6 and some can take up to  
 7 3-4 months depending on certain  
 8 factors. Please know that I am  
 9 not in contact with these sellers  
 10 and can not help you with returns like  
   I do with the sellers on amazon and  
   Instagram. The reason I am  
   recommending these items is I  
   personally purchased them and own  
   them. I personally use Apple Pay  
   on DH GATE so it's easy to dispute  
   payment if an item does not come.  
   You can also dispute on DH GATE.

11       52. On July 27, 2020, on information and belief, Instagram took down Fitzpatrick's  
 12 @Styleeandgrace account.

13       53. Thereafter, on July 31, 2020, Fitzpatrick created a new Instagram account under the  
 14 name @Gracefullystylish to advertise counterfeit products sold on Amazon. Although  
 15 Fitzpatrick futilely tried to distance herself from illicit counterfeiting activity by describing  
 16 herself as, "Not a seller, I just review," she immediately posted a link to counterfeit products  
 17 under "Shop my favorites here."



23       54. On August 10, 2020, Instagram took down Fitzpatrick's @Gracefullystylish  
 24 page.

25       55. One day later, on August 11, 2020, Fitzpatrick created yet another Instagram  
 26 account, @styleeandgrace11, and launched her own website, Styleeandgrace.com. On this  
 27

1 personal website, Fitzpatrick celebrates “the world of dupes,” her term for the illegal  
 2 counterfeits that she promotes and advertises, and gloats about how she personally sources the  
 3 supply of counterfeit products sold through deceptive tactics on Amazon. For example, in this  
 4 post advertising a counterfeit Gucci belt, she admits that it was “the very first item [she]  
 5 requested a seller on Amazon to stock”:<sup>6</sup>

6       O mg do I love this belt so much! This was my first unicorn. I call any dupe that's on my wishlist but very hard to  
 7 find a unicorn. I actually was VERY close to buying this at Gucci before getting into the world of dupes. Wow,  
 8 that would've been so very silly! This was actually the very first item I requested a seller on amazon to stock! It  
 9 took a lot of convincing but this very trusted seller after months of testing different factories with her for quality wound  
 10 up stocking 3 sizes of this. A small, medium and large buckle! This is the large buckle (by far the most popular) measuring  
 11 2.25" x 3" and you can see it on me vs the small gold buckle in the image gallery! It's super chic, comes in a gg box and  
 12 comes with a leather hole punch in case you need to make one for sizing. I wear a size 110 belt – I wear jeans size  
 13 anywhere from size 7-12 depending on the brand and it's true to size. It's made of PU vegan leather. The stitching is  
 14 beautiful, and it's stamped inside with the brand and "made in Italy." You really can not go wrong with this belt especially  
 15 by this seller but if you need any help at all or have a question you can ALWAYS leave me a comment, or dm me! Thank  
 16 you so much for coming to my blog and watching my video review! I hope you have such an amazing Friday! Xoxo Kelly

17       56. Fitzpatrick also used additional social media websites and apps to advertise  
 18 counterfeit products, including Facebook, TikTok, and liketoknow.it.

19       **D. Test Purchases of Counterfeit Products Advertised by Defendant**  
 20       **Fitzpatrick and Sold by Defendant Sellers.**

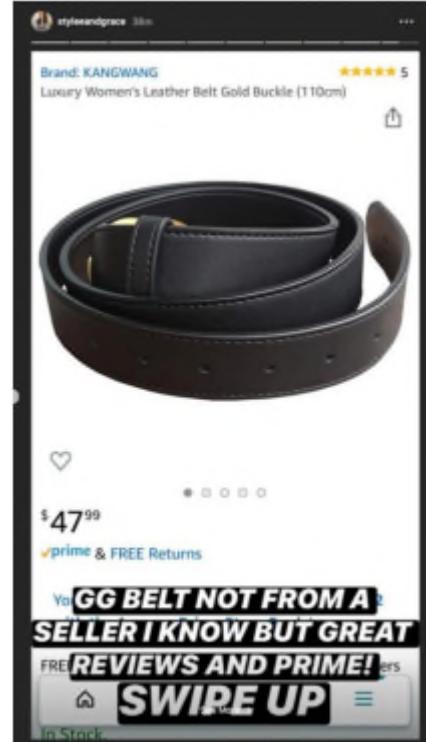
21       57. Defendants advertised, marketed, offered, and/or sold counterfeit products as  
 22 genuine luxury products on Amazon.

23       **Test Purchase # 1: Counterfeit Gucci Belt Sold by SevenStar**

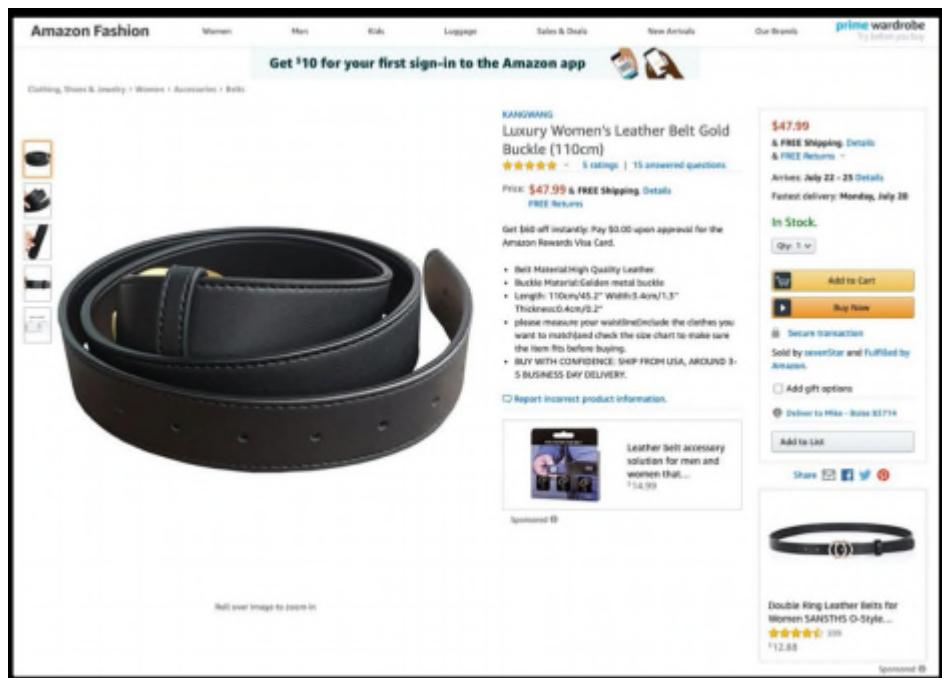
24       58. On July 14, 2020, while monitoring Fitzpatrick's @Styleeandgrace Instagram  
 25 account, an investigator retained by Amazon saw the below post about a counterfeit Gucci belt.

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26  
 27       <sup>6</sup> <https://www.styleeandgrace.com/video-review-gg-large-pearl-belt-amazon-finds/>



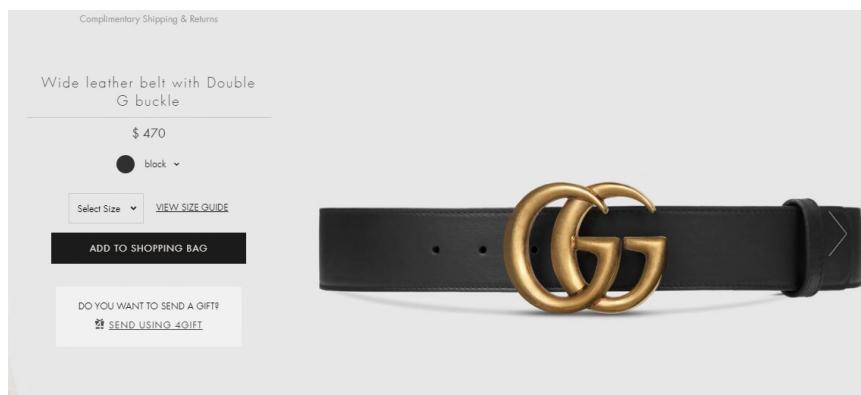
59. The investigator swiped up on the post and followed the link to the below Amazon page (which displayed a photo of a belt without the Gucci logo), where the investigator placed an order from Seller Defendant SevenStar.



1       60. On July 20, 2020, the investigator's purchase arrived. Below is a photo of the  
 2 product received.



9       61. The product received by the investigator is a counterfeit version of Gucci's \$470  
 10 Wide leather belt with Gucci's trademarked "GG" logo buckle. The counterfeit product is  
 11 made to imitate the authentic product, including a logo that is identical to, or substantially  
 12 indistinguishable from, Gucci's registered trademark.<sup>7</sup> An image of the authentic product is  
 13 below.



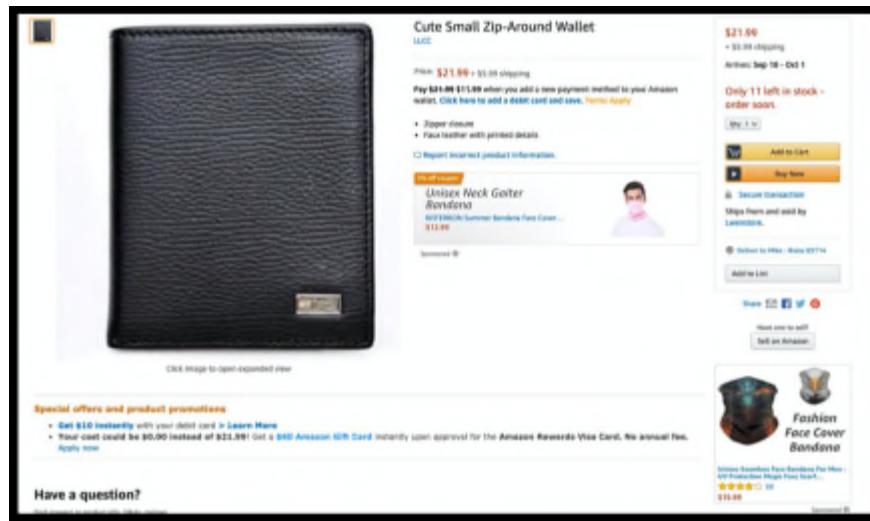
#### 21       **Test Purchase # 2: Counterfeit Gucci/Disney Wallet Sold by Lwenstore**

22       62. On July 15, 2020, while monitoring Fitzpatrick's Styleeandgrace Instagram  
 23 account, an investigator saw the below post about a small Gucci Mickey wallet.

24  
 25  
 26  
 27       <sup>7</sup> See GG trademark (Trademark Registration No. 5073022) (covering belts).



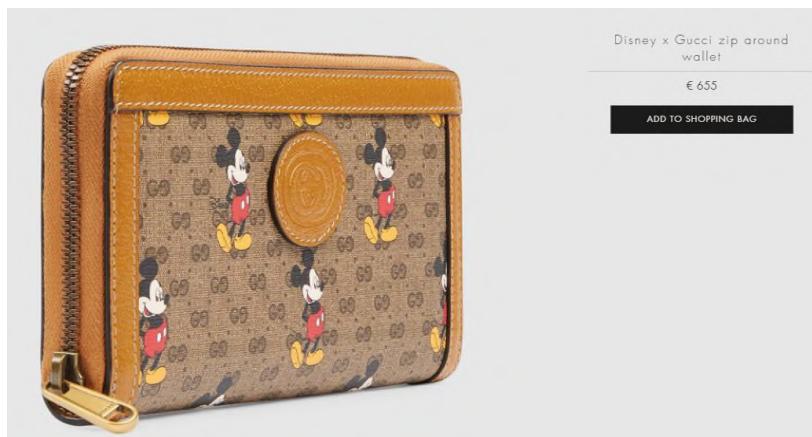
12. The investigator swiped up on the link, which led to the below page in the  
 13. Amazon store (which contained a photo of a wallet without branding), where the investigator  
 14. placed an order from Seller Defendant Lwenstore.



64. Below is a photo of the product received.



65. The product received by the investigator is a counterfeit version of Gucci's \$650 Disney zip around wallet. The counterfeit product is made to imitate the authentic product, including a logo that is identical to, or substantially indistinguishable from, Gucci's registered trademark.<sup>8</sup> An image of the authentic product is below.



### 19           **Test Purchase # 3: Counterfeit Gucci Purse Sold by Gam Sports**

20       66. On July 19, 2020, while monitoring Fitzpatrick's @Styleeandgrace Instagram account, an investigator saw the below post about a counterfeit Gucci tote bag. In her post, Fitzpatrick referred to the product as a "dupe." Fitzpatrick also exhorted her followers to "order this/get this."

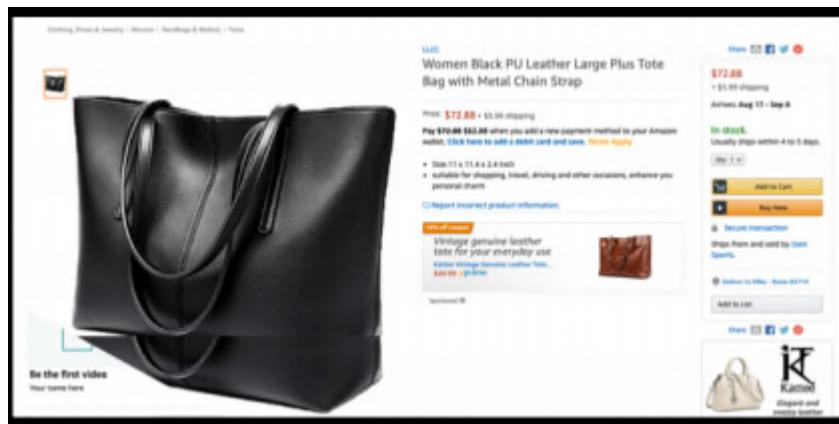
27       

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<sup>8</sup> See GG Trademark (Trademark Registration No. 4411217) (covering small leather goods).



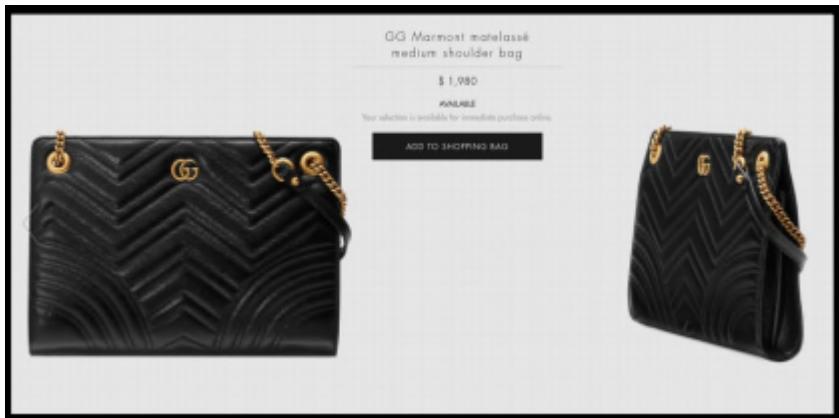
67. The investigator swiped up and followed the link to the below page in the Amazon store (which contained a photo of a purse without any logo), where the investigator placed an order from Seller Defendant Gam Sports.



68. On August 6, 2020, the investigator's purchase arrived. Below is a photo of the product received.



69. The product received by the investigator is a counterfeit version of Gucci's \$1,980 GG Marmont matelassé medium shoulder bag. The counterfeit product is made to imitate the authentic product, including a logo that is identical to, or substantially indistinguishable from, Gucci's registered trademark.<sup>9</sup> An image of the authentic product is below.



#### 21           **Test Purchase # 4: Counterfeit Gucci/Disney Wallet Sold by Kalosuha**

22       70. On August 1, 2020, while monitoring Fitzpatrick's @GracefullyStylish Instagram account, an investigator saw the below post about a counterfeit Gucci and Disney branded wallet. In her post, Fitzpatrick refers to the product as under a "hidden link."

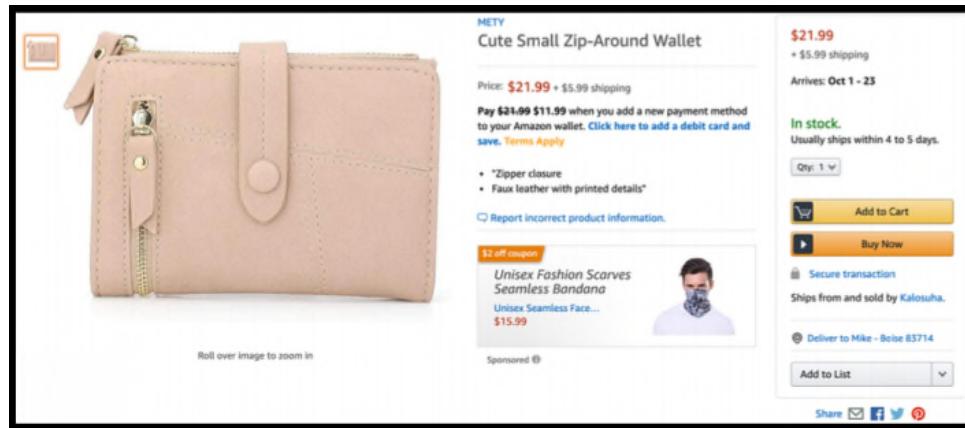
25  
26  
27       

---

<sup>9</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



71. The investigator swiped up and followed the link to the below page in the Amazon store (which contained a photo of a wallet without branding) where the investigator placed an order from Seller Defendant Kalosuha.



1       72. On August 17, 2020, the investigator's purchase arrived. Below are photos of  
2 the product received.



11       73. The product received by the investigator is a counterfeit version of Gucci's \$590  
12 GG Small Mickey Wallet. The counterfeit product is made to imitate the authentic product,  
13 including a logo that is identical to, or substantially indistinguishable from, Gucci's registered  
14 trademark.<sup>10</sup> An image of the authentic product is below.



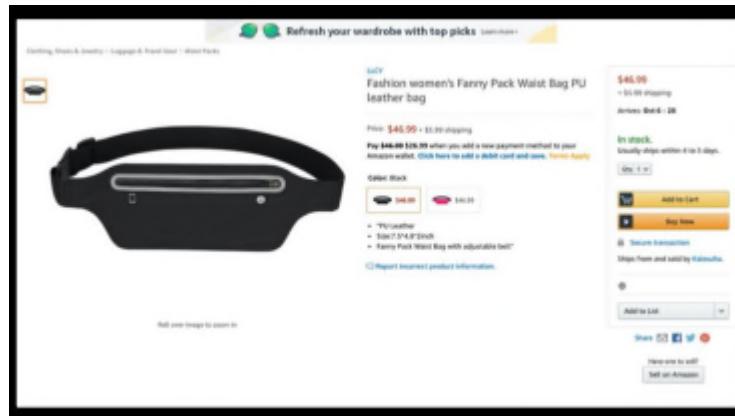
27       <sup>10</sup> See GG Trademark (Trademark Registration No. 4411217) (covering small leather goods).

1           **Test Purchase # 5: Counterfeit Gucci Belt Bag Sold by Kalosuha**

2       74. On August 5, 2020, while monitoring Fitzpatrick's @GracefullyStylish  
 3 Instagram account, an investigator saw the below post about a counterfeit Gucci belt bag. In  
 4 her post, Fitzpatrick says "Order this and get GG belt bag!"



12       75. The investigator swiped up and followed the link to the below Amazon page  
 13 (which contained a picture of a belt bag without any branding), where the investigator placed  
 14 an order from Kalosuha.



1       76. On August 31, 2020, the investigator's purchase arrived. Below are photos of  
 2 the product received.



10     77. The product received by the investigator is a counterfeit version of Gucci's  
 11 \$1,200 GG Marmont matelassé leather belt bag. The counterfeit product is made to imitate the  
 12 authentic product, including a logo that is identical to, or substantially indistinguishable from,  
 13 Gucci's registered trademark.<sup>11</sup> An image of the authentic product is below.



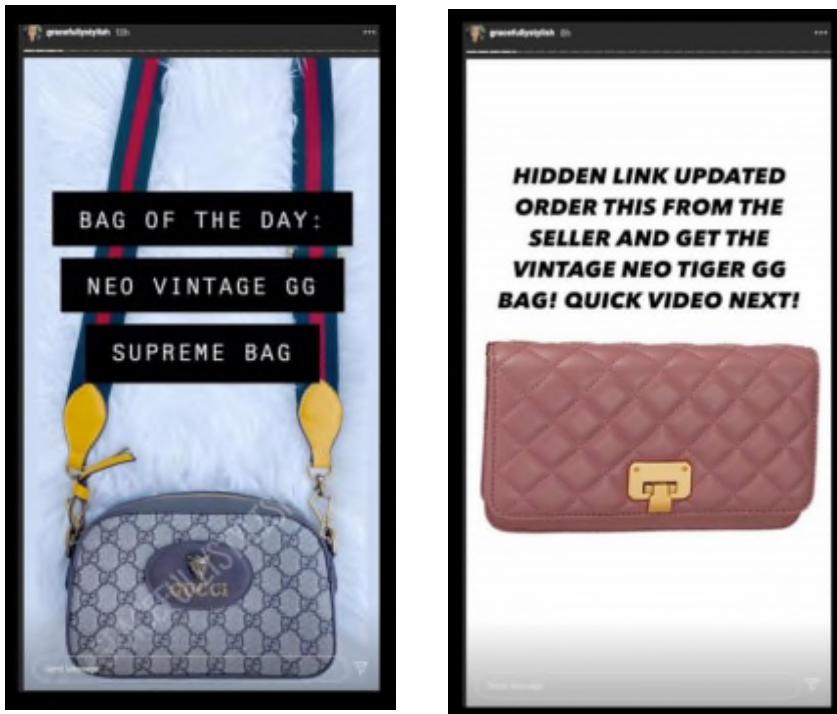
#### 19     **Test Purchase # 6: Counterfeit Gucci Purse Sold by Bradyyer**

20     78. On August 6, 2020, while monitoring Fitzpatrick's @GracefullyStylish  
 21 Instagram account, an investigator saw the below post about a counterfeit Gucci Neo Vintage  
 22 GG Supreme Bag. In her post, Fitzpatrick refers to the product as "hidden link."

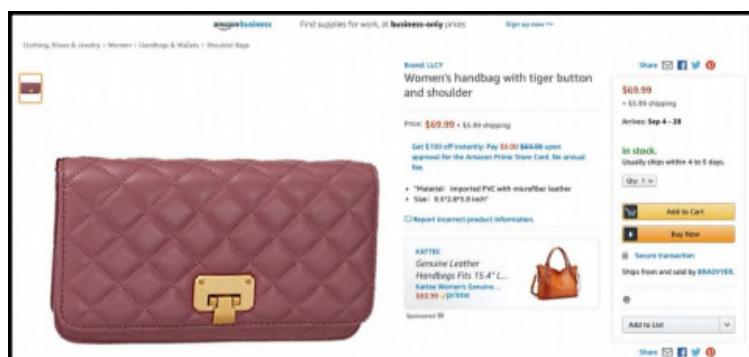
23  
 24  
 25  
 26  
 27     

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<sup>11</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



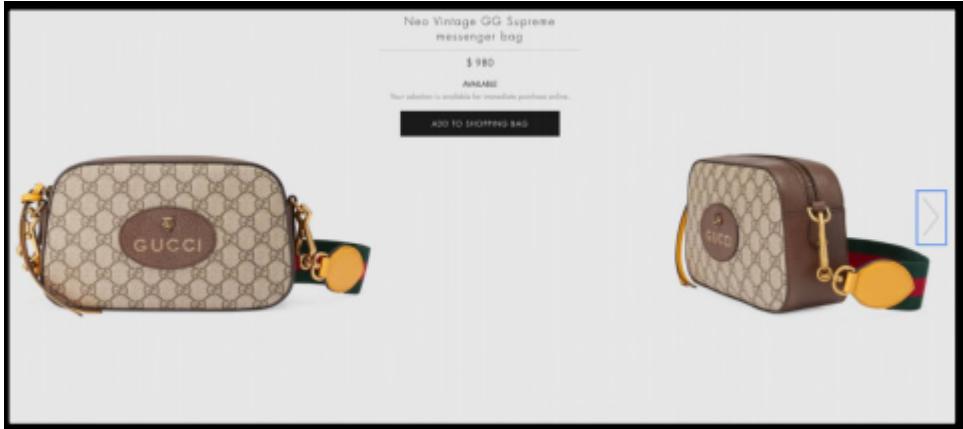
79. The investigator swiped up and followed the link to the below page in the  
 14 Amazon store (which contained a photo of a bag without branding), where the investigator  
 15 placed an order from Seller Defendant Bradyyer.



23 80. On August 26, 2020, the investigator's purchase arrived. Below is a photo of  
 24 the product received.  
 25  
 26  
 27



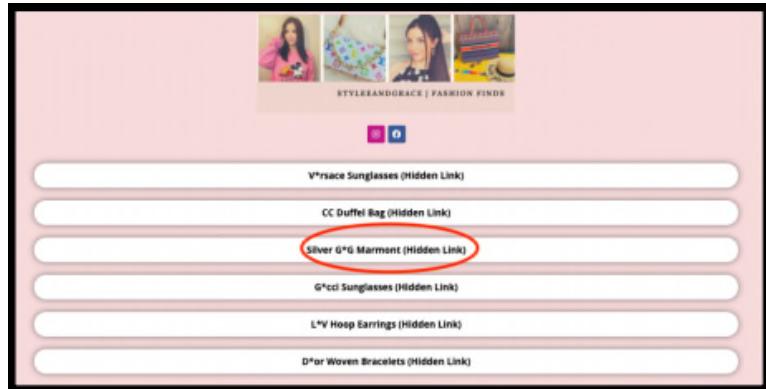
81. The product received by the investigator is a counterfeit version of Gucci's \$980  
9 Neo Vintage GG Supreme messenger bag. The counterfeit product is made to imitate the  
10 authentic product, including a logo that is identical to, or substantially indistinguishable from,  
11 Gucci's registered trademark.<sup>12</sup> An image of the authentic product is below.



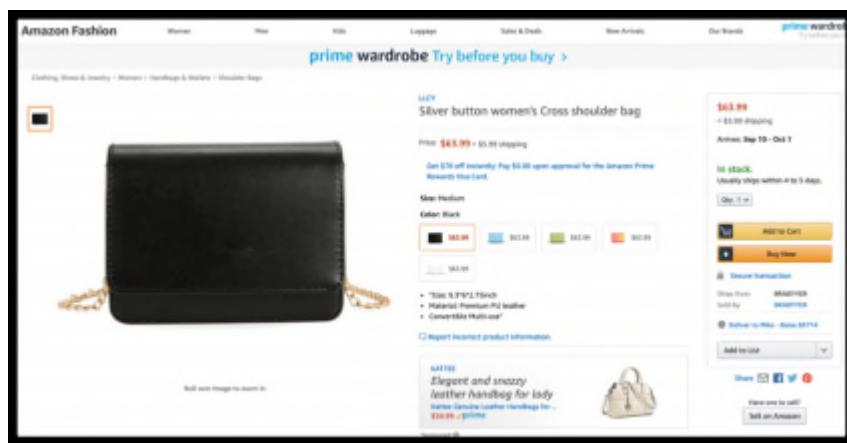
#### 20 **Test Purchase # 7: Counterfeit Gucci Purse Sold by Bradyyer**

21 82. On August 14, 2020, while monitoring Fitzpatrick's Styleandgrace.com site, an  
22 investigator saw the below post about counterfeit Gucci Marmont bag.

23  
24  
25  
26  
27 <sup>12</sup> See GG Trademark (Trademark Registration No. 4229081) (covering handbags).



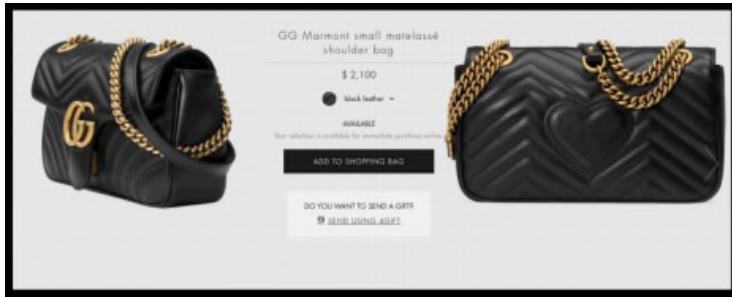
83. The investigator followed the link to the below page in the Amazon store (which contained a photo of a bag without branding/logo), where the investigator placed an order from Seller Defendant Bradyyer.



84. On September 8, 2020, the investigator's purchase arrived. Below is a photo of the product received.

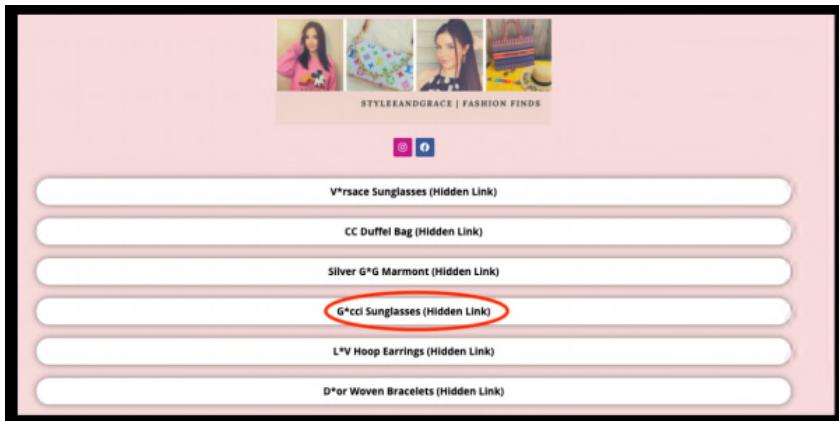


1       85.     The product received by the investigator is a counterfeit version of Gucci's  
 2 \$2,100 GG Marmont small matelassé leather shoulder bag. The counterfeit product is made to  
 3 imitate the authentic product, including a logo that is identical to, or substantially  
 4 indistinguishable from, Gucci's registered trademark.<sup>13</sup> An image of the authentic product is  
 5 below.



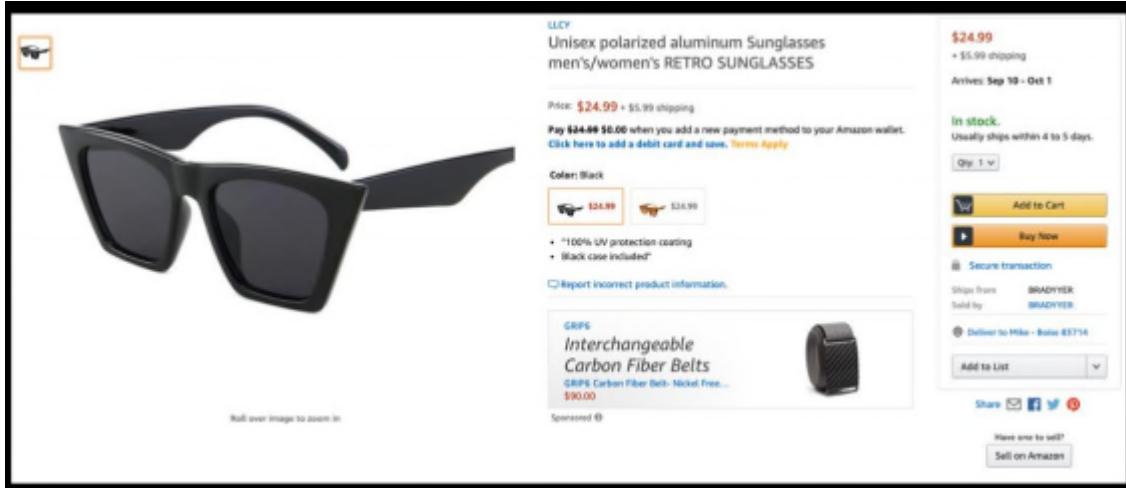
#### 11           **Test Purchase # 8: Counterfeit Gucci Sunglasses Sold by Bradyyer**

12       86.     On August 14, 2020, while monitoring Fitzpatrick's Styleandgrace.com site, an  
 13 investigator saw the below post about counterfeit Gucci Sunglasses.



21       87.     The investigator followed the link to the below page in the Amazon store (which  
 22 contained a photo of sunglasses without any logo), where the investigator placed an order from  
 23 Seller Defendant Bradyyer.

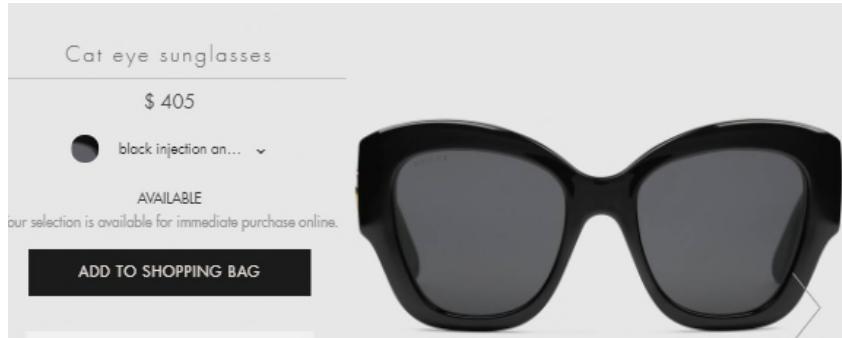
24  
 25  
 26  
 27       <sup>13</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



88. On September 8, 2020, the investigator's purchase arrived. Below is a photo of the product received.



1       89.     The product received by the investigator is a counterfeit version of Gucci's \$405  
 2 sunglasses. The counterfeit product is made to imitate the authentic product, including a logo  
 3 that is identical to, or substantially indistinguishable from, Gucci's registered trademark.<sup>14</sup> An  
 4 image of the authentic product is below.



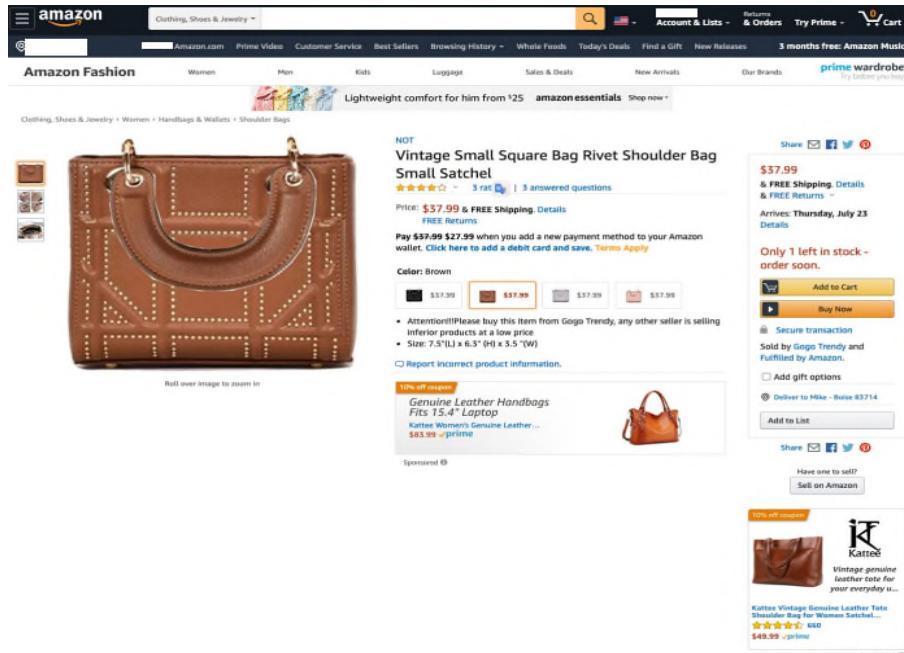
### 12           **Test Purchase # 9: Counterfeit Dior Purse Sold by Gogo Trendy**

13       90.     On July 17, 2020, while monitoring Fitzpatrick's @Styleeandgrace Instagram  
 14 account, an investigator saw the below post about a counterfeit Dior purse.



27       <sup>14</sup> See GG Trademark (Trademark Registration No. 4567127) (covering eyewear).

1       91.     The investigator swiped up on the post and followed the link to the below  
 2 Amazon page (which displayed a photo of a handbag without the Dior branded charm) where  
 3 the investigator placed an order from Seller Defendant Gogo Trendy.



14       92.     On July 23, 2020, the investigator's purchase arrived. Below are photos of the  
 15 product received.



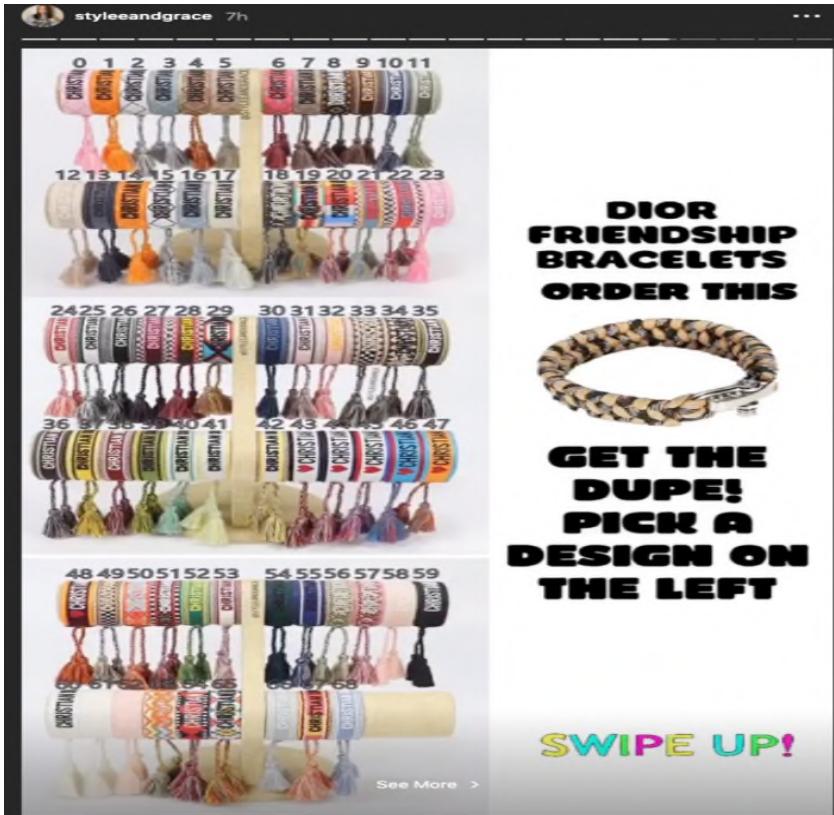
23       93.     As shown above, the purchased product contained the counterfeit DIOR logo on  
 24 the purse charm. The counterfeit product is made to imitate the authentic product, including a  
 25 logo that is identical to, or substantially indistinguishable from, the Dior registered trademark.<sup>15</sup>

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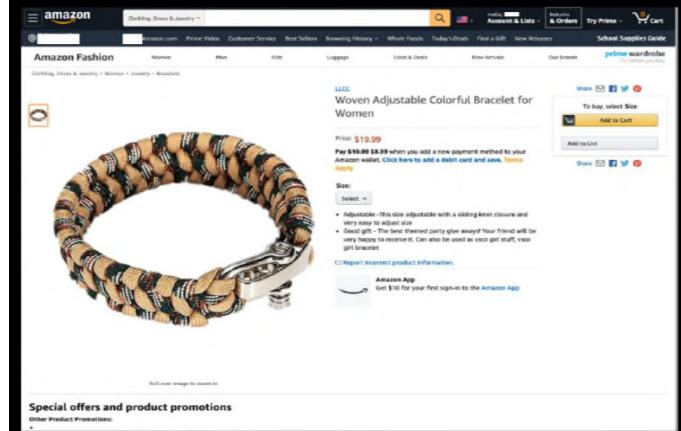
<sup>15</sup> See Dior Trademark (Trademark Registration No. 74522863) (covering charms and purses).

1                   **Test Purchase # 10: Counterfeit Dior Bracelet Sold by Myerh Store**

2                  94. On July 17, 2020, while monitoring Fitzpatrick's @Styleeandgrace Instagram  
 3 account, an investigator saw the below post about a counterfeit Dior bracelet. In her post,  
 4 Fitzpatrick urged her followers to "order this" [generic bracelet] in order to "GET THE  
 5 DUPE!":



19                 95. The investigator swiped up and followed the link to the below page in the  
 20 Amazon store (which contained a photo of a women's bracelet without branding), where the  
 21 investigator placed an order from Seller Defendant Myerh Store.

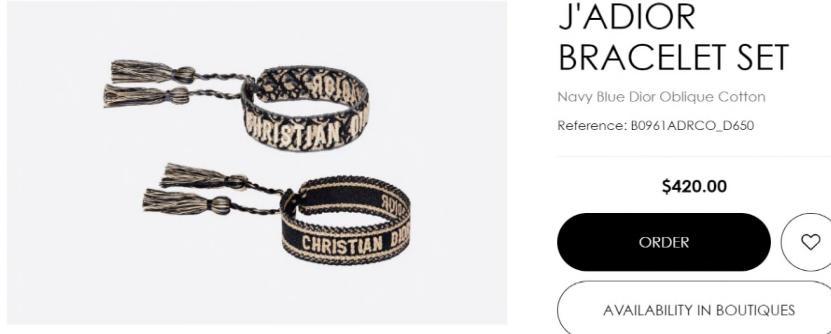


96. On August 5, 2020, the investigator's purchase arrived. Below is a photo of the product received.



97. The product received by the investigator is a counterfeit version of Dior's \$420 J'ADIOR bracelet set. The counterfeit product is made to imitate the authentic product, including a logo that is identical to, or substantially indistinguishable from, the Dior registered trademark. An image of the authentic product is below.<sup>16</sup>

<sup>16</sup> See Dior Trademark (Trademark Registration Nos. 0519367 and 79214192) (covering bracelets).



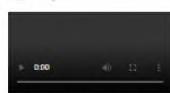
## Test Purchase # 11: Counterfeit Dior Bracelet Sold by Bradyyer

98. On August 13, 2020, while monitoring Fitzpatrick's Styleeandgrace.com website, an investigator saw the below post about another counterfeit Dior friendship bracelet.

### D\*or Woven Friendship Bracelets!

August 13, 2020

**T**hese woven embroidered bracelets are a perfect piece to add to any arm party or just wear daily. They are great quality and they come in a galaxy of prints and colors. These ARE embroidered not printed (like some tend to be).

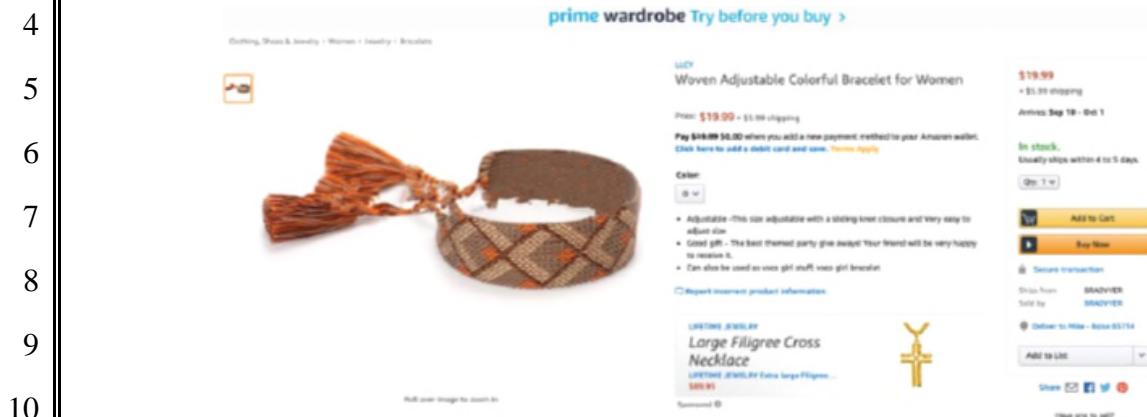


THIS REVIEW IS FOR EDUCATIONAL AND ENTERTAINMENT PURPOSES ONLY.



*Go by this  
style guide to get the  
bracelet you want*

1        99. The investigator found a “hidden link” on the website’s Linktree<sup>17</sup> which led to  
2 the below page in the Amazon store (which contained a photo of a women’s bracelet without  
3 branding), where the investigator placed an order from Seller Defendant Bradyyer.



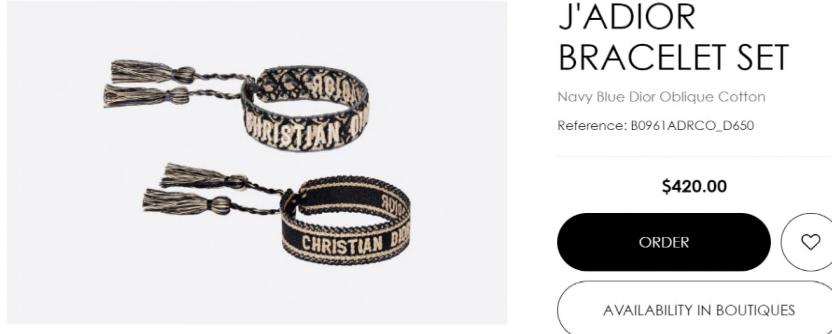
12 100. Below is a photo of the product received.



101. The product received by the investigator is a counterfeit version of Dior's \$420  
J'ADIOR bracelet set. The counterfeit product is made to imitate the authentic product,  
including a logo that is identical to, or substantially indistinguishable from, the Dior registered  
trademark.<sup>18</sup> An image of the authentic product is below.

<sup>17</sup> A Linktree allows users to create customizable pages with all of the important links they want to promote in one place.

<sup>18</sup> See Dior Trademark (Trademark Registration Nos. 0519367 and 79214192) (covering bracelets).

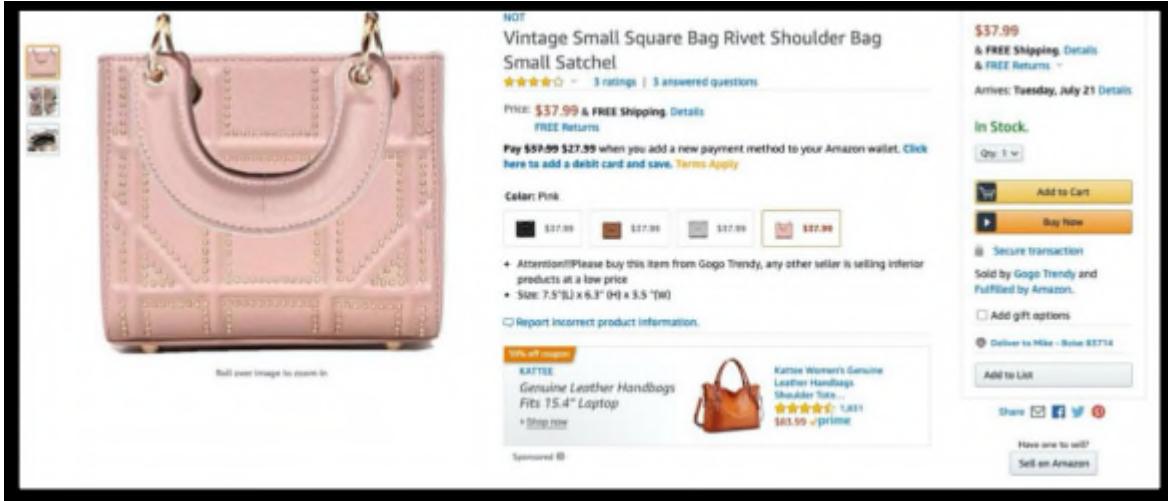


**Test Purchase # 12: Counterfeit Dior Purse Sold by Winjoy Mall**

102. On July 16, 2020, while monitoring Fitzpatrick's @Styleeandgrace Instagram account, an investigator saw the below post about a counterfeit Dior rivet bag.



103. The investigator swiped up and followed the link to the below page in the Amazon store (which contained a photo of a bag without branding), where the investigator placed an order from Seller Defendant Winjoy Mall.



104. On September 26, 2020, the investigator's purchase arrived. Below is a photo of  
the product received.<sup>19</sup>



105. As shown above, the purchased product contained the counterfeit DIOR logo on  
the charm. The counterfeit product is made to imitate the authentic product, including a logo  
that is identical to, or substantially indistinguishable from, the Dior registered trademark. An  
image of a handbag with an authentic DIOR charm is below:

#### 22      E. Fitzpatrick's Close Relationship with Defendant Sellers

23      106. Far from being a mere promoter of others' counterfeit wares, Fitzpatrick boasts  
about her close business relationship with the bad actors whose counterfeit sales she promotes  
in the Amazon store. In one example, she described how she was able to help her followers  
with returns from Amazon sales based on her personal relationship with the sellers, warning

27      <sup>19</sup> See Dior Trademark (Trademark Registration No. 74522863) (covering charms and purses).

1 potential buyers from a non-Amazon seller, “Please know that I am not in contact with these  
 2 sellers and cannot help you with returns *like I do with sellers on amazon* and Instagram”  
 3 (emphasis added). Fitzpatrick even describes how she directly requests specific counterfeit  
 4 products from sellers, describing one counterfeit Gucci belt as “actually the very first item I  
 5 requested a seller on amazon to stock!”<sup>20</sup>

6       107. Fitzpatrick currently resides in Islip, New York. Multiple counterfeit sellers on  
 7 Amazon, including Seller Defendants Gogo Trendy and Bradyyer, have used Fitzpatrick’s  
 8 home address as a registered address for their Amazon selling accounts.

9       108. In addition, the following Seller Defendants have listed a post office box address  
 10 in Islip, New York, located minutes from Fitzpatrick’s address, despite the fact that none of  
 11 these sellers are located in New York State, let alone the town of Islip: Kalosuha, Bradyyer,  
 12 Gogo Trendy, Myerh Store, Gam Sports, and Lwenstore.

13       109. Some Defendant Sellers also appear to be closely related. For example, on  
 14 February 27, 2019, Lwenstore and Kalosuha both logged into their Amazon selling accounts  
 15 through the same IP address.

16           **F. Fitzpatrick Directs Her Followers to Different E-Commerce Sites After the  
 17 Counterfeit Products are Blocked from Sale in Amazon’s Store**

18       110. As detailed above, Amazon monitors Fitzpatrick’s public Internet activity and  
 19 blocks infringing order pages and sellers to which she links. After Amazon shut down the  
 20 Seller Defendants’ accounts, Fitzpatrick directed her followers to other e-commerce websites,  
 21 where she has continued her campaign of infringement and complained about how Amazon’s  
 22 anti-counterfeiting efforts have damaged her counterfeiting business. For example, in a post on  
 23 Styleeandgrace.com on August 28, 2020, she wrote: “[N]ow as most of you know amazon [sic]  
 24 has really cracked down on dupes … now they’re [sic] are barely any [dupes on Amazon] …  
 25 they take the links down and refuse to give the [counterfeit] sellers a penny. Sadly, many  
 26

---

27       <sup>20</sup> <https://www.styleeandgrace.com/video-review-gg-large-pearl-belt-amazon-finds/>

1 [counterfeit] sellers have gone bankrupt this way.”<sup>21</sup> Fitzpatrick also incorrectly claimed that  
 2 Amazon was allowing the infringing products to “sell out,” when in fact, sales had been  
 3 blocked for violating Amazon’s anti-counterfeiting policy.

4       111. After explaining why she and the Seller Defendants are migrating some of their  
 5 infringement activities away from Amazon, Fitzpatrick implored her followers to buy the  
 6 counterfeits she now advertises and promotes on a different website, DH Gate: “Our very  
 7 trusted seller of the last year has moved to DH Gate … ***I know it’s a big change to switch from***  
 8 ***Amazon to DH Gate but this guarantees that the links do not get reported and shut down***  
 9 ***sometimes cancelling our orders.***<sup>22</sup> (Emphasis added.) She reminded her follows that she  
 10 uses “hidden links, so please follow the instructions above to ensure your [sic] ordering the  
 11 correct item!”<sup>23</sup> The full text of Fitzpatrick’s post is below:

12  
 13       **B**ack by popular demand! If you have not yet joined our Facebook group and you’re interested in a like minded  
 14 community where we discuss and rehome our lookalikes please check out “addicted to dupes” run by Sabrina  
 15 and I! Yesterday, I was reading the posts and so many of you requested the seller to restock this beautiful CC  
 16 wristlet! I asked the seller right away and she brought it back **THE VERY NEXT DAY!** Wooooooo! Now as most of you  
 17 know amazon has really cracked down on dupes, they used to have hundreds of new dupes a day and now they’re are  
 18 barely any. What amazon does it let the products sell out, then they take the links down and refuse to give the seller a  
 19 penny. Sadly, many sellers have gone bankrupt this way. So our very trusted seller of the last year has moved to DH  
 20 Gate. She is an amazing trusted seller who always goes above and beyond to bring us what we request, she even had  
 21 nude marmont and soho bags custom made because so many of us requested them!!!! I know it’s a big change to switch  
 22 from Amazon to DH Gate but this guarantees that the links do not get reported and shut down sometimes cancelling our  
 23 orders. The shipping time is **MUCH FASTER** then 99% of DH Gate sellers (about 14 days) and if you have ANY issues I  
 24 have the sellers direct WhatsApp # +8616526412142 so you can contact her. You can always contact me as well! All items  
 25 can be returned or exchanged if you have any issues! Remember these are hidden links, so please follow the instructions  
 26 above to ensure your ordering the correct item! Thank you so much for visiting my blog! I hope you enjoy! If you have  
 27 any requests for items please leave a comment below on the blog ❤️ xoxo Kelly

21  
 22       112. On August 28, 2020, in a video post on Styleeandgrace.com titled “Video  
 23 Review: CC Wristlet Clutch Bag (Trusted DH Gate Seller – Previously on Amazon),”

24  
 25 <sup>21</sup> <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

26 <sup>22</sup> <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

27 <sup>23</sup> <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

1 Fitzpatrick again explicitly described her efforts to avoid enforcement and to ensure “links do  
 2 not get reported.”<sup>24</sup>

3       113. A few days later, Fitzpatrick posted another video review on  
 4 Styleeandgrace.com, titled “Off-White Colorful KeyChains (DH Gate Review (formerly our  
 5 most trust Amazon seller)).” Fitzpatrick explained that the former Amazon seller “moved to  
 6 DH GATE because amazon [sic] had cracked down so much on lookalikes!”<sup>25</sup> She elaborated:  
 7 “Our favorite from Amazon to avoid . . . you know . . . going bankrupt because they keep  
 8 taking down all the Amazon links. And as you guys know, Amazon has rarely has [sic] any  
 9 dupes lately and that’s because they’ve cracked down so hard.”

10     114. After her ring of counterfeiters migrated from Amazon to other e-commerce  
 11 sites, Fitzpatrick became even bolder about her attempts to evade enforcement. For example,  
 12 in a video post on Styleeandgrace.com dated August 21, 2020, in which Fitzpatrick reviews a  
 13 counterfeit Dior Twilly that she purchased from the website Etsy, she instructed her viewers to  
 14 “definitely grab one before they are taken down off Etsy,” where she claimed that the sellers  
 15 “aren’t trying to hide it at all.”<sup>26</sup> But despite this claim about sellers not “trying to hide,”  
 16 Fitzpatrick appears to be engaging in the same “order this/get this” modus operandi on Etsy.  
 17 Specifically, on August 1, 2020, while monitoring Fitzpatrick’s @GracefullyStylish Etsy  
 18 account, an investigator saw the below post about a counterfeit Gucci mini crossbody bag.

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<sup>24</sup> <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>  
 27     <sup>25</sup> <https://www.styleeandgrace.com/video-review-off-white-colorful-keychains/>  
       <sup>26</sup> <https://www.styleeandgrace.com/video-review-dior-twilly-etsy-find/>



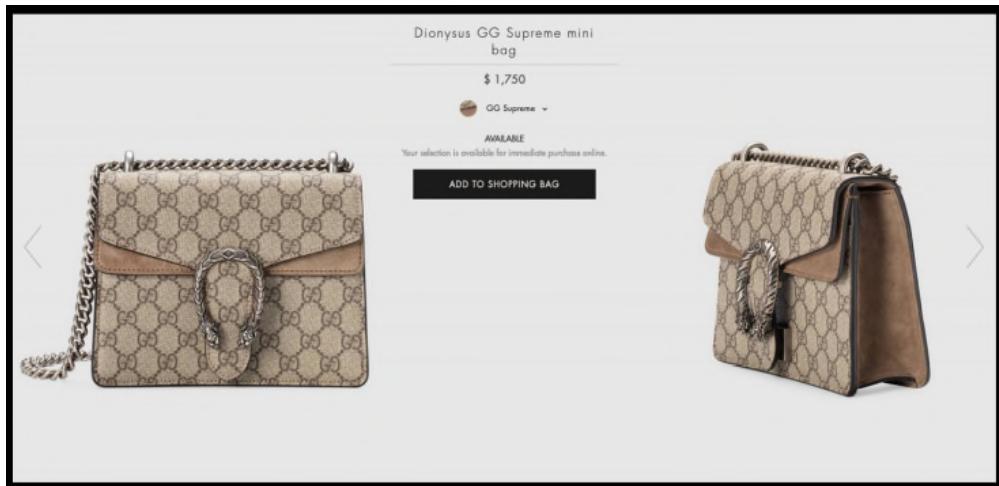
115. The investigator followed the link to the below Etsy page (which included a  
1 picture of a bag without trademarks), where the investigator placed an order from  
10 @Best\_Bags\_Boutique.

How you'll pay	
Item(s) total \$120.00	
Shipping \$18.14 (To United States, 83714-7421)	
Total (1 item) \$138.14	
<a href="#">Proceed to checkout</a>	

116. On August 12, 2020, the investigator's purchase arrived. Below is a photo of  
21 the product received.  
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8        117. The product received by the investigator is a counterfeit version of Gucci's  
9 \$1,750 Dionysus GG Supreme mini bag, shown below.<sup>27</sup> Fitzpatrick's ability to move her  
10 counterfeiting from one e-commerce site to another shows how pernicious her activity really is,  
11 and how she is only likely to be stopped by way of the requested court order.



20        **G. Defendant Kelly-Krejci Advertised, Promoted, and Facilitated Sales of**  
21 **Sellers' Counterfeit Gucci Products.**

22        118. Fitzpatrick and Defendant Sabrina Kelly-Krejci are, by their own admission,  
23 close business associates in the world of counterfeit "dups." For example, in a video review  
24 on Styleeandgrace.com dated August 28, 2020, of a counterfeit item Fitzpatrick said that she  
25  
26  
27

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<sup>27</sup> See GG Trademark (Trademark Registration No. 4411218) (covering handbags).

1 runs an “addicted to dupes” Facebook page with Kelly-Krejci.<sup>28</sup> And Kelly-Krejci attempted to  
 2 open an Amazon Associate account using Fitzpatrick’s home address.

3       119. Like Fitzpatrick, Kelly-Krejci’s business is promoting the sale of counterfeit  
 4 luxury fashion items. Her social media accounts are named “BudgetStyleFile” or iterations of  
 5 that same name (*e.g.*, “BudgetStyleFile2”). And like Fitzpatrick, Kelly-Krejci uses an array of  
 6 social media websites and apps, including TikTok, Facebook, and Instagram, to advertise  
 7 counterfeit products. She also operates her own website, [www.budgetstylefiles.com](http://www.budgetstylefiles.com), to  
 8 promote counterfeit fashion items. On these websites and apps, Kelly-Krejci posts photos and  
 9 videos of counterfeit products, highlighting the areas that falsely designate origin, and then  
 10 provides a link to an Amazon store offer listing page where the counterfeit product can be  
 11 ordered (although the product is often disguised on the order page as a non-infringing product  
 12 by blurring the logos).

13       120. Kelly-Krejci also shares Fitzpatrick’s use of hidden links to order counterfeit  
 14 products, even acknowledging how deceitful this practice is by stating that she “[...] know[s]  
 15 some people feel weird ordering from hidden links but in this case you will get something  
 16 fabulous.”<sup>29</sup> Kelly-Krejci has also admitted that the bags she promotes are not just  
 17 “lookalikes,” but that the products actually have full logo/branding.

18 Backstory. This bag become available from the sellers that I call the “daily group”. They are the ones that change their  
 19 links daily. Often coming back with the same bags and sometimes they have new bags each day/week. I have bought  
 20 and reviewed several bags from them. It started back in late April/early May with the CC bags and has escalated from  
 21 there. I currently have more bags on the way from them. During my searching on a certain A platform I came across a  
 22 link for the Niki bag on prime. At first I thought it was another one that would be just a “lookalike” that didn’t have full  
 23 logo/branding and was going to skip over it. **BUT** upon looking deeper I noticed the seller name who was selling it and  
 24 realized it was one the “daily group” sellers. Not just one of them, they were also the same seller that I had gotten one of  
 25 my CC bags from back in May.

26       121. As shown in the test purchases below, Kelly-Krejci deceived Amazon by  
 27 working with the Seller Defendants to remove indicia of infringement from the Amazon offer  
 28 listing page in an effort to evade Amazon’s fraud and counterfeit detection tools. Because the

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<sup>28</sup> <https://www.styleeandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

<sup>29</sup> <https://budgetstylefiles.com/review-cc-wristlet-ama-z0n/>

1 offer listing pages displayed general, non-infringing products without any brand or trademark  
 2 identification (and often with the infringing portion of the products blurred out), Kelly-Krejci's  
 3 followers could only identify the items were counterfeit products through Kelly-Krejci's  
 4 explicit instruction and links.

5       122. In early August 2020, on information and belief, Instagram took down Kelly-  
 6 Krejci's initial @BudgetStyleFiles page. Thereafter, on August 10, 2020, Kelly-Krejci's  
 7 created a new Instagram account entitled @BudgetStyleFiles2 to advertise and promote  
 8 "disguised" sales of counterfeit products in the Amazon store. Kelly-Krejci made a veiled  
 9 attempt to avoid liability for her blatant promotion of counterfeit products by stating: "Please  
 10 know that I mean no harm or ill intention. I just want to review items and share information."  
 11 But this attempt to deny responsibility rang hollow, as almost immediately thereafter, Kelly-  
 12 Krejci posted an advertisement for a counterfeit Gucci bag and told her followers that  
 13 mentioning her Instagram handle to the sellers would earn them a discount.

14       123. Like Fitzpatrick, Kelly-Krejci operates her own website where she reviews and  
 15 promotes counterfeit luxury items. As her Instagram account had previously been shut down,  
 16 Kelly-Krejci assures followers on her website: "Now in case anything happens you will know  
 17 where to find me."

18

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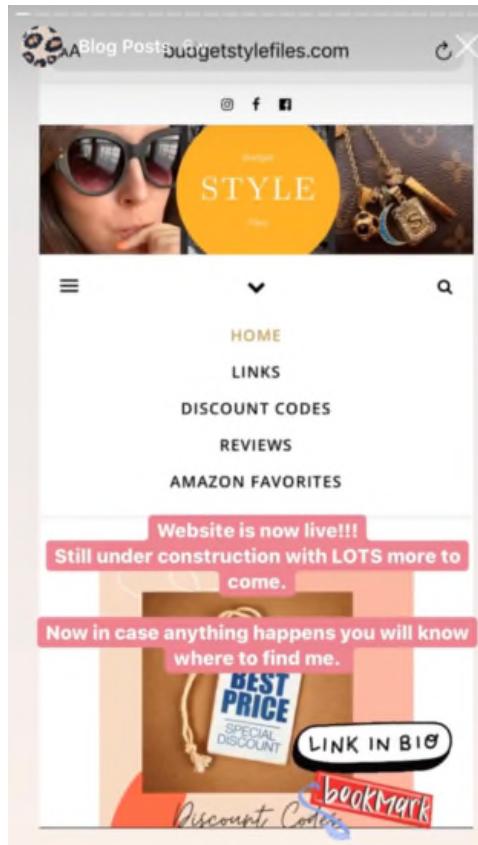
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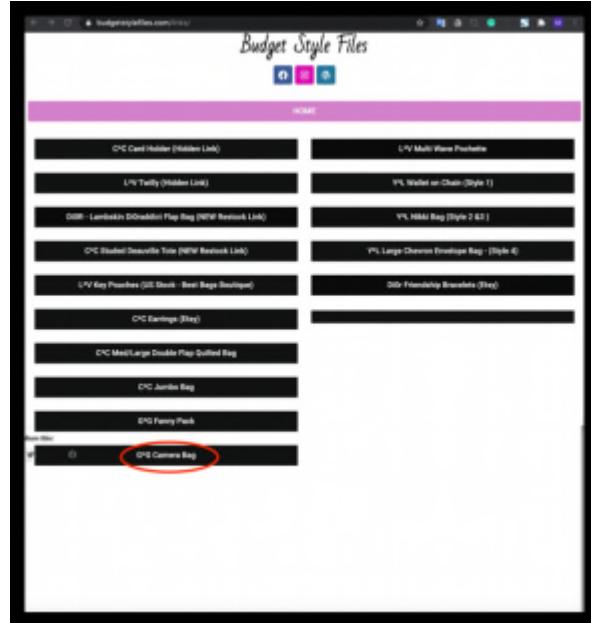
27



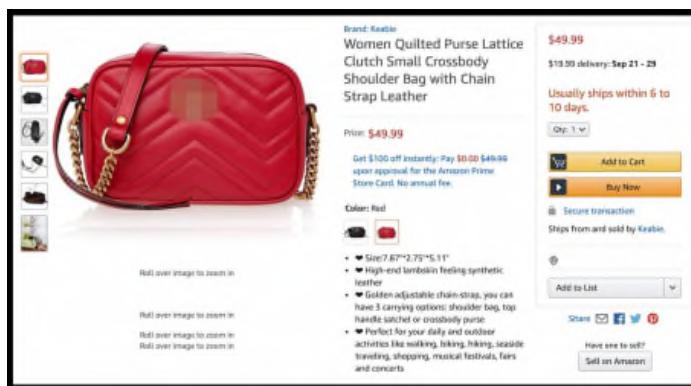
H. Test Purchases of Counterfeit Products Advertised by Defendant Kelly-Krejci, Sold by Defendant Sellers in the Amazon Store.

**Test Purchase # 13: Counterfeit Gucci Purse Sold by Keabie**

124. On September 8, 2020, while monitoring Kelly-Krejci's Budgetstylefiles.com site, an investigator saw the below post about a counterfeit Gucci Camera Bag.



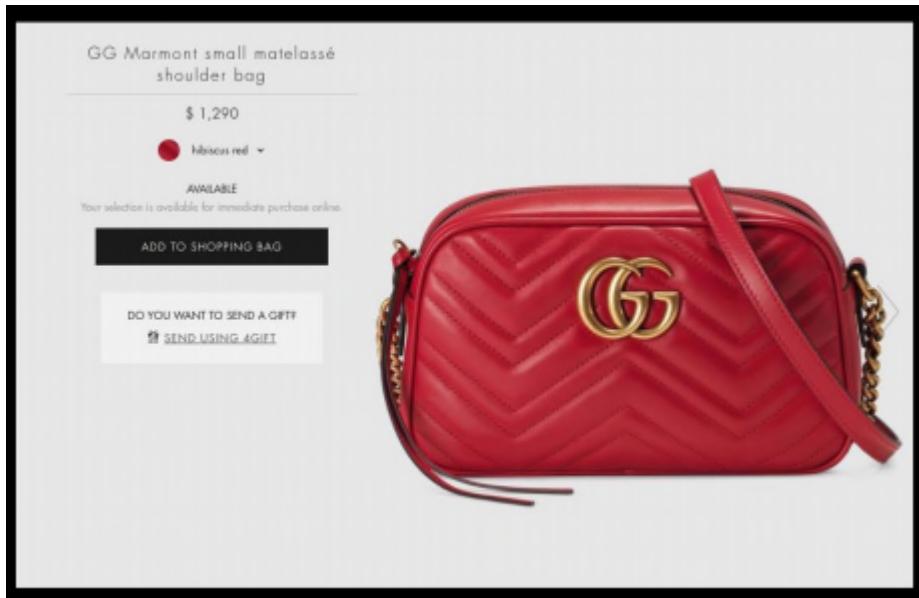
11       125. The investigator followed the link to the below page in the Amazon store (which  
 12 contained a photo of a bag with blurred out markings), where the investigator placed an order  
 13 from Seller Defendant Keabie.



21       226. On August 26, 2020, the investigator's purchase arrived. Below is a photo of  
 23 the product received.  
 24  
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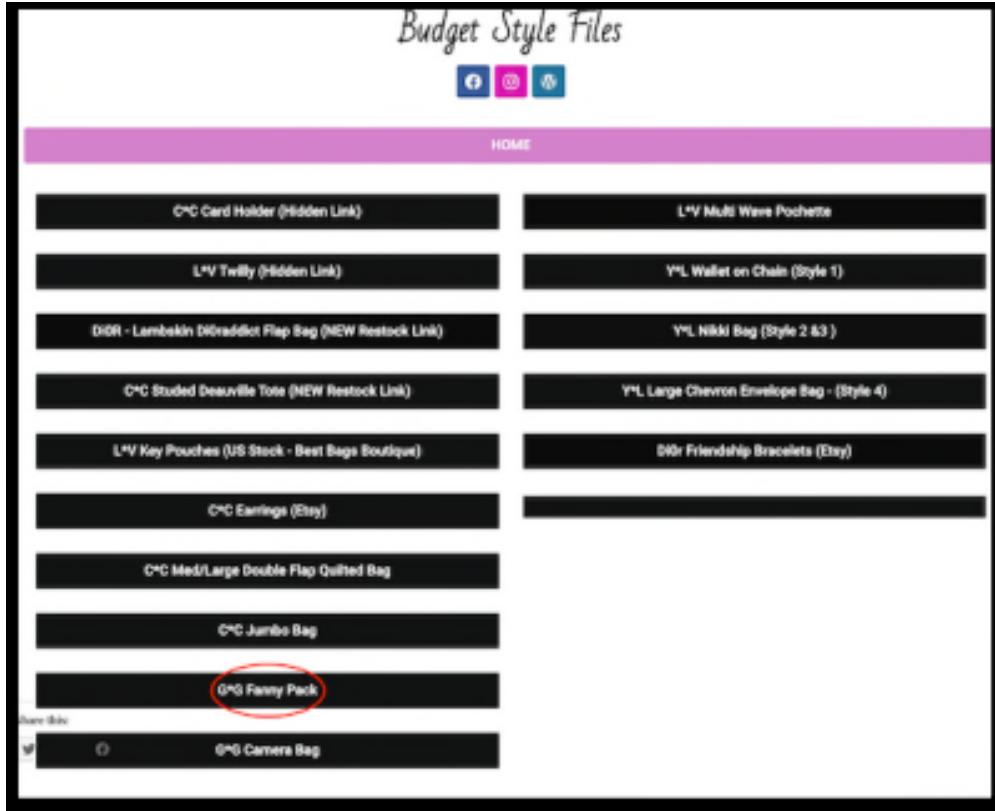
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6 127. The product received by the investigator is a counterfeit version of Gucci's  
7 \$1,290 GG Marmont small matelassé shoulder bag. An image of the authentic product is  
8 below.<sup>30</sup>



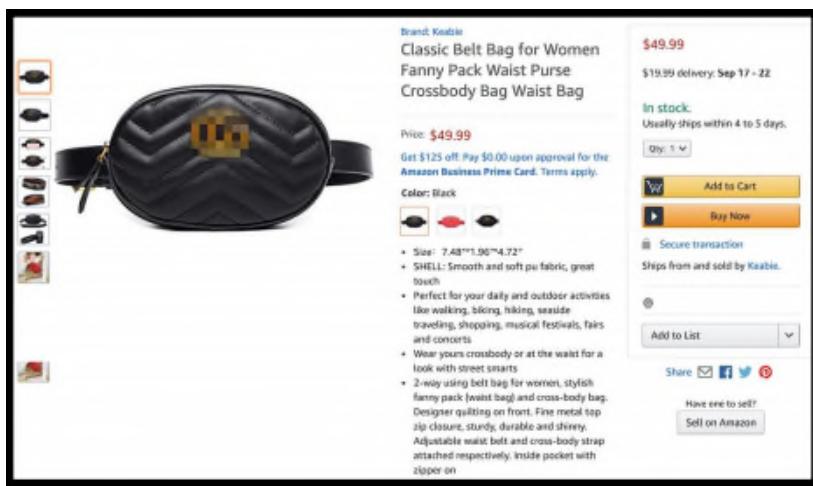
#### 19 Test Purchase # 14: Counterfeit Gucci Purse Sold by Keabie 20

21 128. On September 8, 2020, while monitoring Kelly-Krejci's Budgetstylefiles.com  
22 site, an investigator saw the below Linktree advertising a "G\*G Fanny Pack."

23  
24  
25  
26  
27 <sup>30</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



129. The investigator followed the link to the below page in the Amazon store (which  
 130. contained a photo of a bag with blurred out markings), where the investigator placed an order  
 131. from Seller Defendant Keabie.



130. On September 8, 2020, the investigator's purchase arrived. Below is a photo of  
 131. the product received.



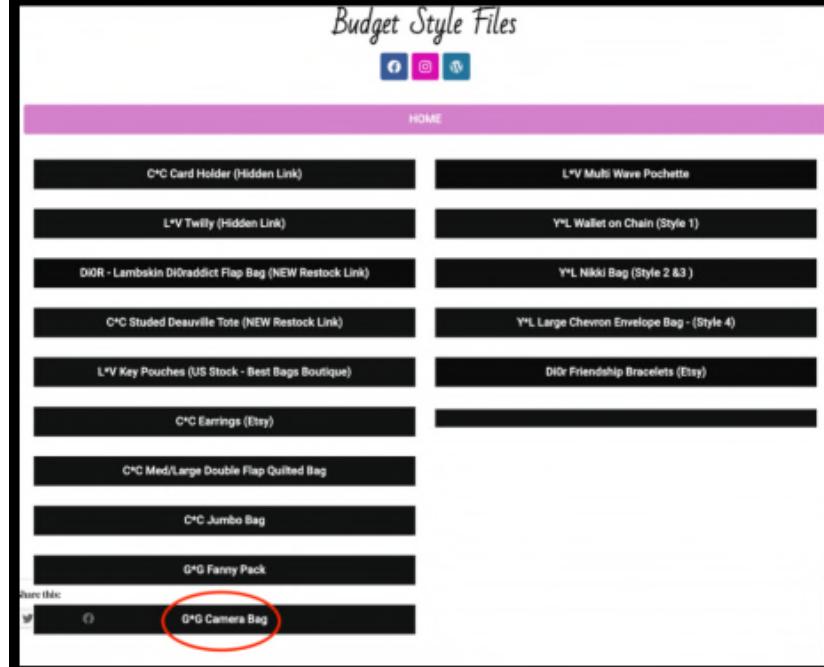
131. The product received by the investigator is a counterfeit version of Gucci's  
 7 \$1,200 GG Marmont small matelassé leather belt bag. An image of the authentic product is  
 8 below.<sup>31</sup>



#### 14 **Test Purchase # 15: Counterfeit Gucci Camera Bag Sold by BIIKII**

15 132. On September 9, 2020, while monitoring Kelly-Krejci's Budgetstylefiles.com  
 16 site, an investigator saw the below post about a counterfeit Gucci camera bag.

27 <sup>31</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



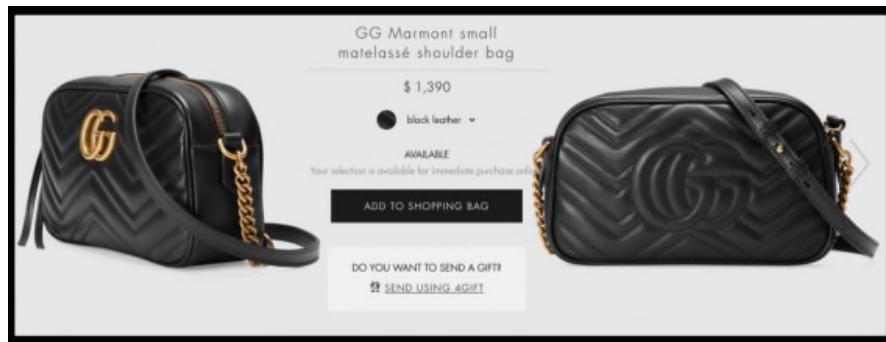
133. The investigator followed the link to the below page in the Amazon store (which did not contain a photo of the product), where the investigator placed an order from Seller Defendant BIIKII.



134. On September 25, 2020, the investigator's purchase arrived. Below are photos of the product received, which bore Gucci's logo.



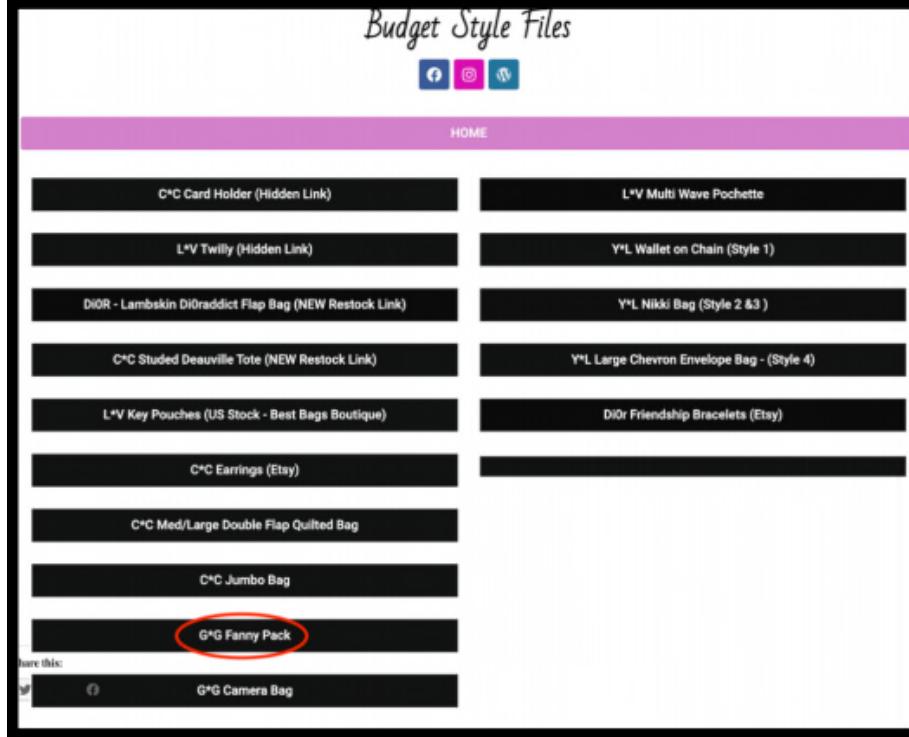
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6 135. The product received by the investigator is a counterfeit version of Gucci's  
7 \$1,390 Marmont small matelassé bag. An image of the authentic product is below.<sup>32</sup>



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14 **Test Purchase # 16: Counterfeit Gucci Fanny Pack by BIIKII**

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16 136. On September 9, 2020, while monitoring Kelly-Krejci's Budgetstylefiles.com  
site, an investigator saw the below post about a counterfeit Gucci fanny pack.

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28  
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32 See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



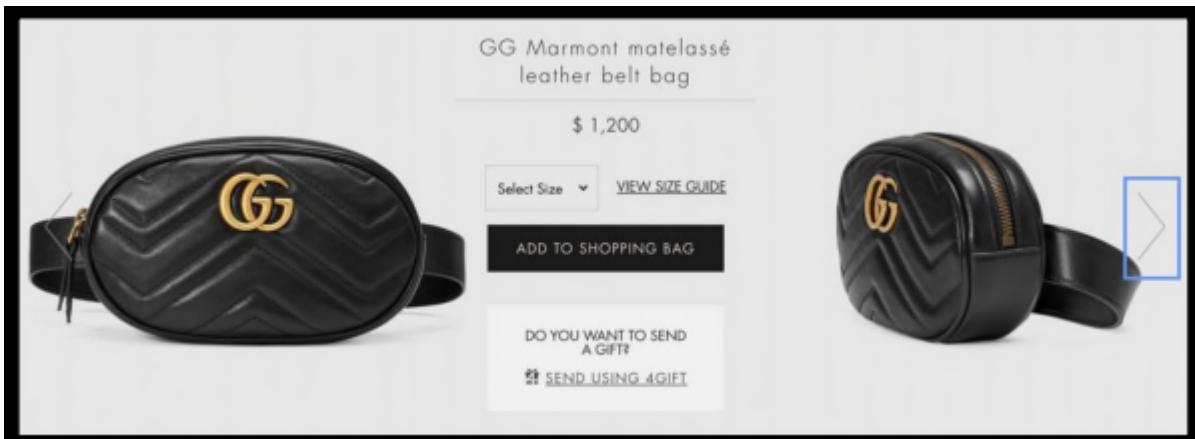
137. The investigator followed the link to the below page in the Amazon store (which  
 did not contain a photo of the product), where the investigator placed an order from Seller  
 Defendant BIICKII.



138. On September 9, 2020, the investigator's purchase arrived. Below are photos of  
 the product received, which bore Gucci's logo.



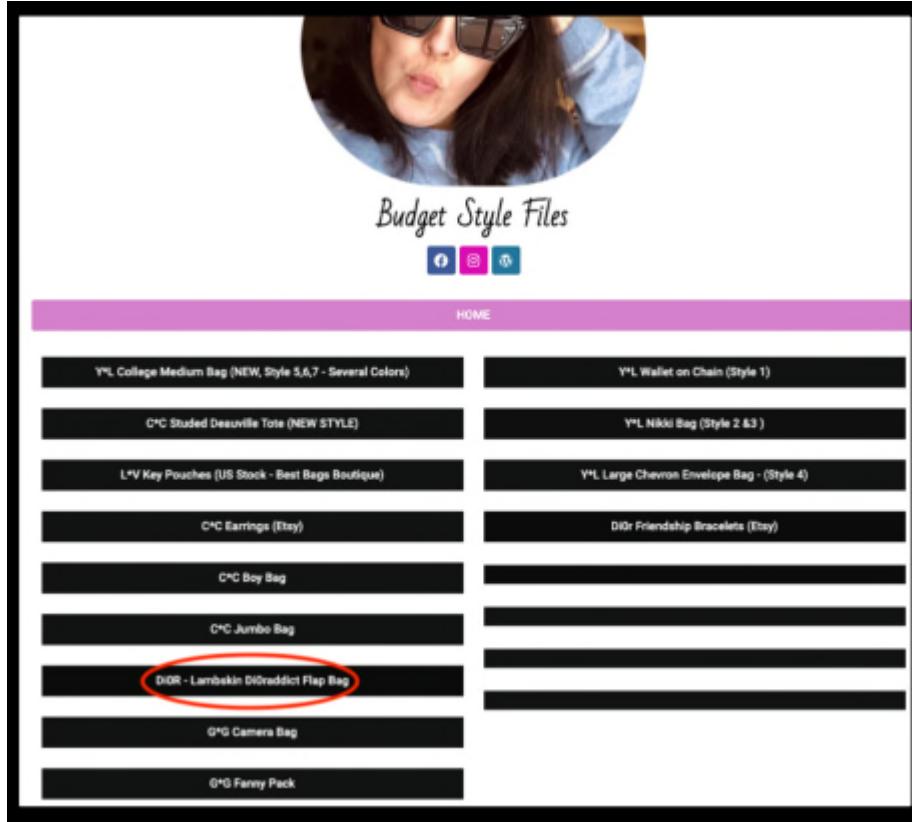
139. The product received by the investigator is a counterfeit version of Gucci's \$1,200 Marmont matelassé belt bag. An image of the authentic product is below.<sup>33</sup>



**Test Purchase # 17: Counterfeit Dior Lambskin Flap Bag by GbeeGbee**

140. On September 9, 2020, while monitoring Kelly-Krejci's Budgetstylefiles.com site, an investigator saw the below post about a counterfeit Dior Flap bag.

<sup>33</sup> See GG Trademark (Trademark Registration No. 5073022) (covering handbags).



141. The investigator followed the link to the below page in the Amazon store (which  
 did not contain a photo of the product), where the investigator placed an order from Seller  
 Defendant GbeeGbee.



24 142. On September 25 2020, the investigator's purchase arrived. Below is a photo of  
 25 the product received, which bore Dior's registered logo.  
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7 143. The product received by the investigator is a counterfeit version of Dior's  
8 \$1,300 Lambskin Flap Bag. An image of the authentic product is below.<sup>34</sup>



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17 **I. Amazon Shut Down Seller Defendants' Accounts.**  
18

19 144. Defendants advertised and facilitated the sale of counterfeit products. In doing  
20 so, Defendants falsely represented to Amazon and its customers the true nature of the products  
21 that the Seller Defendants sold were generic items. However, customers were actually  
22 purchasing counterfeit luxury branded items. Defendants also knowingly and willfully  
23 designated false origin of products in connection with the advertisement, marketing,  
24 distribution, offering for sale, and sale of counterfeit products.

25 145. At all times, Seller Defendants knew they were prohibited from violating third-  
26 party IP rights or any applicable laws while selling products to Amazon. Defendants have

27  
<sup>34</sup> See Dior Trademark (Trademark Registration No. 74522863) (covering purses).

1 deceived Amazon's customers and Amazon and harmed the integrity of and customer trust in  
2 the Amazon store.

3        146. Amazon confirmed Seller Defendants' unlawful sale of counterfeit products and  
4 promptly blocked Seller Defendants' Selling Accounts. In doing so, Amazon exercised its  
5 rights under the BSA to protect its customers and its own brand.

**VI. CLAIMS  
FIRST CLAIM  
(against all Defendants)**

## **False Designation of Origin and False Advertising – 15 U.S.C. § 1125(a)**

9 147. Plaintiff Amazon incorporates by reference the allegations of the preceding  
paragraphs as though set forth herein.

148. Amazon's reputation for trustworthiness is at the heart of its relationship with  
11 customers. Defendants' actions in advertising and selling counterfeits in the Amazon store  
12 pose a threat to Amazon's reputation because they undermine and jeopardize customer trust in  
13 the Amazon store.

149. Specifically, Defendants deceived Amazon and its customers about the  
authenticity of the products they were advertising, marketing, offering, and/or selling in the  
Amazon store, in direct and willful violation of the Amazon's Anti-Counterfeiting Policies and,  
in the case of the Seller Defendants, the BSA they were party to. The Seller Defendants'  
deceptive acts were material to Amazon's decision to allow the Seller Defendants to sell their  
products in the Amazon store because Amazon would not have allowed the Seller Defendants  
to do so but for their deceptive acts. Fitzpatrick and Kelly-Krejci, in turn, deceived Amazon by  
explicitly directing their followers to purchase counterfeit products in the Amazon store that  
were disguised on the order page as non-infringing products in an attempt to evade Amazon's  
fraud detection systems.

150. In advertising, marketing, offering, and/or selling counterfeit products in the  
Amazon store, Defendants made false and misleading statements of fact about the origin,  
sponsorship, or approval of those products in violation of 15 U.S.C. § 1125(a)(1)(A).

151. Defendants' acts also constitute willful false statements in connection with goods and/or services distributed in interstate commerce in violation of 15 U.S.C. § 1125(a)(1)(B).

152. As described above, Defendants, through their illegal acts, have willfully deceived Amazon and its customers, jeopardized the trust that customers place in the Amazon store, tarnished Amazon’s brand and reputation, and harmed Amazon and its customers. Defendants’ misconduct has also caused Amazon to expend significant resources to investigate and combat Defendants’ wrongdoing and to bring this lawsuit to prevent Defendants from causing further harm to Amazon and its customers. Defendants’ illegal acts have caused irreparable injury to Amazon and, on information and belief, that injury is ongoing at least to the extent that Defendants continue to establish selling accounts under different or false identities. An award of monetary damages alone cannot fully compensate Amazon for its injuries, and thus Amazon lacks an adequate remedy at law.

153. Amazon is entitled to an injunction against Defendants, their officers, agents, representatives, servants, employees, successors and assigns, and all other persons in active concert or participation with them, as set forth in the Prayer for Relief below, along with its attorneys' fees and costs in bringing this lawsuit.

## **SECOND CLAIM**

*(against Defendants Kelly Fitzpatrick and Sabrina Kelly-Krejci)*  
Contributory False Designation of Origin and False Advertising – 15 U.S.C. § 1125(A)

154. Amazon incorporates by reference the allegations of the preceding paragraphs as though set forth herein.

155. In addition to being directly liable for false designation of origin and false advertising, Fitzpatrick and Kelly-Krejci are also liable for contributory false designation of origin and false advertising for their knowing facilitation and assistance in the sale of counterfeits by the Seller Defendants. In particular, Fitzpatrick and Kelly-Krejci used their social media websites and apps to knowingly promote and advertise to their followers the counterfeit products offered by the Seller Defendants.

1       156. Fitzpatrick and Kelly-Krejci's actions were designed to encourage and facilitate  
 2 the sale of products by the Seller Defendants that Fitzpatrick and Kelly-Krejci knew or should  
 3 have known were counterfeit and that were likely to lead to consumer confusion about the  
 4 source or sponsorship of the goods. As set forth in this Complaint, Fitzpatrick repeatedly  
 5 directed and instructed her social media followers on how to purchase infringing products in  
 6 the Amazon store, directing them that if they "buy this" (referencing a non-branded product on  
 7 the order page in the Amazon store) they would "get this" (referencing a counterfeit product).  
 8 Similarly, Kelly-Krejci directed followers to so-called "hidden links" to the Amazon store  
 9 where the logos of counterfeit products were "blurred" out on the order page. Fitzpatrick and  
 10 Kelly-Krejci's actions were designed to conceal the sale of counterfeit products in the Amazon  
 11 store, in an effort to deceive Amazon and evade Amazon's anti-counterfeit detection systems.

12       157. As described above, Fitzpatrick and Kelly-Krejci, through their illegal acts, have  
 13 jeopardized the trust that customers place in the Amazon store, tarnished Amazon's brand and  
 14 reputation and goodwill, and harmed Amazon and its customers. Fitzpatrick and Kelly-Krejci's  
 15 misconduct has also caused Amazon to expend significant resources to investigate and combat  
 16 Defendants' wrongdoing and to bring this lawsuit to prevent Defendants from causing further  
 17 harm to Amazon and its customers. Fitzpatrick and Kelly-Krejci's illegal acts have caused  
 18 irreparable injury to Amazon and, on information and belief, that injury is ongoing to the extent  
 19 that Fitzpatrick and Kelly-Krejci continue to advertise and actively facilitate the sale of  
 20 counterfeit products in the Amazon store. An award of monetary damages alone cannot fully  
 21 compensate Amazon for its injuries, and thus Amazon lacks an adequate remedy at law.

22       158. Amazon is entitled to an injunction against Fitzpatrick and Kelly-Krejci, their  
 23 officers, agents, representatives, servants, employees, successors and assigns, and all other  
 24 persons in active concert or participation with them, as set forth in the Prayer for Relief below,  
 25 along with its attorneys' fees and costs in bringing this lawsuit.

26       159. Amazon is further entitled to recover Fitzpatrick and Kelly-Krejci's profits, and  
 27 Amazon's costs to investigate and remediate Fitzpatrick and Kelly-Krejci's wrongful conduct

1 and bring this action, including its attorney's fees, in an amount to be determined. Amazon is  
2 also entitled to the trebling of any damages award as allowed by law.

**THIRD CLAIM**  
*(against all Defendants)*

## **Violation of Washington Consumer Protection Act, RCW 19.86.010, et seq.**

5           160. Amazon incorporates by reference the allegations of the preceding paragraphs as  
6 though set forth herein.

7           161. Defendants' advertising, marketing, offering, and/or selling of counterfeit  
8 products in the Amazon store constitute an unfair method of competition and unfair and  
9 deceptive acts or practices in the conduct of trade or commerce, in violation of  
10 RCW 19.86.020.

11        162. Defendants' advertising, marketing, offering, and/or selling of counterfeit  
12 products in the Amazon store harms the public interest by deceiving customers about the  
13 authenticity, origins, and sponsorship of the products.

14           163. Defendants' advertising, marketing, offering, and/or selling of counterfeit  
15 products in the Amazon store directly and proximately causes harm to and tarnished Amazon's  
16 reputation and brand, and damages its business and property interests and rights.

17       164. Accordingly, Amazon seeks to enjoin further violations of RCW 19.86.020 and  
18 recover its attorneys' fees and costs. Amazon further seeks to recover its actual damages,  
19 trebled against Fitzpatrick and Kelly-Kreici

## VII PRAYER FOR BELIEF

WHEREFORE, Amazon respectfully prays for the following relief:

22           A.     That the Court issue an order permanently enjoining Defendants, their officers,  
23 agents, representatives, servants, employees, successors, and assigns, and all others in active  
24 concert or participation with them, from:

- (i) Advertising or promoting products in the Amazon store or linking to products in the Amazon store;
- (ii) selling products in the Amazon store;

- (iii) selling products to Amazon or any Amazon affiliate;
- (iv) opening or attempting to open any Amazon Vendor, Selling, or Associate Accounts;
- (v) assisting, aiding or abetting any other person or business entity in engaging or performing any of the activities referred to in subparagraphs (i) through (iv) above;

That the Court enter judgment in Amazon's favor on all claims brought by them;

That the Court enter an order requiring Fitzpatrick and Kelly-Krejci to provide and complete accounting of all amounts due and owing to Amazon as a result of activities;

That Fitzpatrick and Kelly-Krejci be required to pay all general, special and incidental damages that Amazon has sustained, or will sustain, as a consequence of their unlawful conduct, including statutory damages, and that such damages be enhanced, doubled, or trebled under 15 U.S.C. § 1117(b), RCW 19.86.020, or otherwise allowed by law;

That Defendants be required to pay the costs of this action and Amazon's attorneys' fees incurred in prosecuting this action, as provided for by 15 U.S.C. 19.86.020; or otherwise allowed by law; and

That the Court grant Amazon such other, further, and additional relief as the court deems just and equitable.

1 DATED this 12th day of November, 2020.

2 DAVIS WRIGHT TREMAINE LLP  
3 *Attorneys for Plaintiff*

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14 s/Scott R. Commerson  
15 Scott R. Commerson, *pro hac vice*  
16 application forthcoming

17 865 S Figueroa Street, Suite 2400  
18 Los Angeles, CA 90017  
19 Tel: (213) 633-6890  
20 Fax: (213) 633-4290

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22 [laurenrainwater@dwt.com](mailto:laurenrainwater@dwt.com)  
23 [sarahcox@dwt.com](mailto:sarahcox@dwt.com)  
24 [scottcommerson@dwt.com](mailto:scottcommerson@dwt.com)